

JOURNAL
OF THE
HOUSE OF DELEGATES
EIGHTY-FIFTH
LEGISLATURE
OF
WEST VIRGINIA



VOLUME III
REGULAR SESSION, 2021
FIRST EXTRAORDINARY SESSION, 2021
SECOND EXTRAORDINARY SESSION, 2021
THIRD EXTRAORDINARY SESSION, 2021

WEST VIRGINIA HOUSE OF DELEGATES
HONORABLE ROGER HANSHAW
SPEAKER OF THE HOUSE

COMPILED AND PUBLISHED
UNDER THE DIRECTION
OF

STEPHEN J. HARRISON
CLERK OF THE HOUSE



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**SCHEDULE SHOWING LEGISLATIVE DAYS
AND CALENDAR DAYS
AND PAGES OF JOURNAL COVERING SAME**

REGULAR SESSION, 2021

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FIRST EXTRAORDINARY SESSION

1st Day	Monday	June 7	4391
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SECOND EXTRAORDINARY SESSION

1st Day	Thursday	June 24	4421
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THIRD EXTRAORDINARY SESSION

1st Day	Monday	October 11	4508
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Saturday, April 10, 2021

SIXTIETH DAY

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

The House of Delegates met 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 Friday, April 9, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented communications from His Excellency, the Governor, advising that on April 9, 2021, he approved **Com. Sub. for H. B. 2024**, **Com. Sub. for H. B. 2793** and **H. B. 3292**.

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:

H. B. 2029, Relating to teacher preparation clinical experience programs.

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

On page thirteen, section two-a, line ninety-seven, by striking out the words “subsection (e), section one of this article” and inserting in lieu thereof the words “§18A-3-1(e) of this code”.

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. 586**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Hamrick.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2029) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2145, Relating to student aide class titles.

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

On page four, section eight, lines ninety-two through ninety-three, by striking out the words “These classes are designed to improve skills and competency’s related to the provision of services to special needs students.”

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. 587**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Hamrick.

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. 2145) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2221, Relating to the establishment of an insurance innovation process.

On motion of Delegate Summers, the House 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:

“ARTICLE 60. INSURANCE INNOVATION.

§33-60-1. Definitions.

For the purposes of this article, unless the context otherwise indicates:

‘Applicant’ means a person or entity that has filed an application under §33-60-2 of this code.

‘Beta test’ means the phase of testing of an insurance innovation in the regulatory sandbox through the use, sale, license, or availability of the insurance innovation by or to clients or consumers under the supervision of the commissioner.

‘Client’ means a person, other than a consumer, utilizing a participant’s insurance innovation during a beta test to carry on some activity regulated by the commissioner.

‘Commissioner’ means the West Virginia Insurance Commissioner or the West Virginia Offices of the Insurance Commissioner, as appropriate.

‘Extended no-action letter’ means a public notice setting forth the conditions for an extended safe harbor beyond the beta test under which the commissioner will not take any administrative or regulatory action against any person using the insurance innovation described in the extended no-action letter.

‘Innovation’ means any product, process, method, or procedure relating to the sale, solicitation, negotiation, fulfilment, administration, or use of any product or service regulated by the commissioner:

(A) That has not been used, sold, licensed, or otherwise made available in this state before the filing date of the application, whether or not the product or service is marketed or sold directly to consumers; and

(B) That has regulatory and statutory barriers that prevent its use, sale, license, or availability within this state.

‘Innovation’s utility’ means an evaluation by the commissioner of the insurance innovation’s ability to adequately satisfy factors set forth in §33-60-2(a)(2)(A) of this code.

‘Limited no-action letter’ or ‘limited letter’ means a letter setting forth the conditions of a beta test and establishing a safe harbor under which the commissioner will not take any administrative or regulatory action against a participant or client of the participant concerning the compliance of the insurance innovation with West Virginia law so long as the participant or client abides by the terms and conditions established in the limited no-action letter.

‘Participant’ means an applicant that has been issued a limited no-action letter under §33-60-4 of this code.

‘Person’ means a person or entity.

‘Qualified United States financial institution’ means an institution that:

(A) Is organized or, in the case of a United States office of a foreign banking organization, licensed under the laws of the United States or any state thereof;

(B) Is regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies; and

(C) Has been determined by either the commissioner or the Securities Valuation Office of the National Association of Insurance Commissioners to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the commissioner.

‘Regulatory sandbox’ means the process established under this article by which an applicant may apply to beta test and obtain a limited no-action letter for an innovation, potentially resulting in the issuance of an extended no-action letter.

§33-60-2. Application for admission to regulatory sandbox.

(a) Except as provided in subsection (b) of this section, on or before December 31, 2025, an applicant may apply to the commissioner for admission to the regulatory sandbox by submitting an application in the form prescribed by the commissioner, accompanied by the following:

(1) A filing fee of \$750;

(2) A detailed description of the innovation, which shall include:

(A) An explanation of how the innovation will:

(i) Add value to customers and serve the public interest;

(ii) Be economically viable for the applicant;

(iii) Provide suitable consumer protection; and

(iv) Pose no unreasonable risk of consumer harm.

(B) A detailed description of the statutory and regulatory issues that prevents the innovation from being utilized, issued, sold, solicited, distributed, or advertised in the market currently;

(C) A description of how the innovation functions, as well as the manner in which it will be offered or provided;

(D) If the innovation involves the use of software, hardware, or other technology developed for the purpose of implementing or operating it, a technical white paper setting forth a description of the operation and general content of technology to be utilized, including:

(i) The problem addressed by that technology; and

(ii) The interaction between that technology and its users;

(E) If the innovation involves the issuance of a policy of insurance, a statement that:

(i) If the applicant will be the insurer on the policy, the applicant holds a valid license or certificate of authority and is authorized to issue the insurance coverage in question; or

(ii) If some other person will be the insurer on the policy, the other person holds a valid license or certificate of authority and is authorized to issue the insurance coverage in question; and

(F) A statement by an officer of the applicant certifying that no product, process, method, or procedure substantially similar to the innovation has been used, sold, licensed, or otherwise made available in this state before the filing date of the application;

(3) The name, contact information, and bar number of the applicant's insurance regulatory counsel, which shall be a person with experience providing insurance regulatory compliance advice;

(4) A detailed description of the specific conduct that the applicant proposes should be permitted by the limited no-action letter;

(5) Proposed terms and conditions to govern the applicant's beta test, which shall include:

(A) Citation to the provisions of West Virginia law that should be excepted in the notice of acceptance issued under §33-60-3(d)(2) of this code; and

(B) Any request for an extension of the time period for a beta test under §33-60-5(a) of this code and the grounds for the request;

(6) Proposed metrics by which the commissioner may reasonably test the innovation's utility during the beta test;

(7) Disclosure of all:

(A) Persons who are directors and executive officers of the applicant;

(B) General partners of the applicant if the applicant is a limited partnership;

(C) Members of the applicant if the applicant is a limited liability applicant;

(D) Persons who are beneficial owners owning 10 percent or more of the voting securities of the applicant;

(E) Other persons with direct or indirect authority to direct the management and policies of the applicant by contract, other than a commercial contract for goods or nonmanagement services; and

(F) Conflicts of interest with respect to any person listed in this subdivision and the commissioner;

(8) A statement that the applicant has funds of at least \$25,000 available to guarantee its financial stability through one or a combination of any of the following:

(A) A contractual liability insurance policy;

(B) A surety bond issued by an authorized surety;

(C) Securities of the type eligible for deposit by authorized insurers in this state;

(D) Evidence that the applicant has established an account payable to the commissioner in a federally insured financial institution in this state and has deposited money of the United States in an amount equal to the amount required by this subdivision that is not available for withdrawal except by direct order of the commissioner;

(E) A letter of credit issued by a qualified United States financial institution; or

(F) Another form of security authorized by the commissioner; and

(9) A statement confirming that the applicant is not seeking authorization for, nor shall it engage in, any conduct that would render the applicant unauthorized to make an application under subsection (b) of this section.

(b)(1)The following persons shall not be authorized to make an application to the commissioner for admission to the regulatory sandbox:

(A) Any person seeking to sell or license an insurance innovation directly to any federal, state, or local government entity, agency, or instrumentality as the insured person or end user of the innovation;

(B) Any person seeking to sell, license, or use an insurance innovation that is not in compliance with §33-60-2(a)(2)(E) of this code;

(C) Any person seeking to make an application that would result in the person having more than five active beta tests ongoing within the state at any one time; or

(D) Any person seeking a limited or extended no-action letter or exemption from any administrative regulation or statute concerning;

(i) Assets, deposits, investments, capital, surplus, or other solvency requirements applicable to insurers;

(ii) Required participation in any assigned risk plan, residual market, or guaranty fund;

(iii) Any licensing or certificate of authority requirements; or

(iv) The application of any taxes or fees.

(2) For the purposes of this subsection, ‘federal, state, or local government entity, agency, or instrumentality’ includes but is not limited to any county, city, municipal corporation, local government, special district, public school district, or public institution of education.

§33-60-3. Acceptance or rejection of application.

(a)(1) Unless extended as provided in §33-60-3(a)(2) of this code, the commissioner shall issue a notice of acceptance or rejection in accordance with this section within 60 days from the date an application is received.

(2) The commissioner may extend by not more than 30 days the period provided in subdivision (1) of this subsection if he or she notifies the applicant before expiration of the initial 60-day period.

(3) An application that has not been accepted or rejected by a notice of acceptance or rejection issued by the commissioner prior to expiration of the initial 60-day period, or if applicable, the period provided in §33-60-3(a)(2) of this code, shall be deemed accepted.

(b) The commissioner may request from the applicant any additional material or information necessary to evaluate the application, including but not limited to:

(1) Proof of financial stability;

(2) A proposed business plan;

(3) Pro-forma financial statement; and

(4) Executive profiles on the applicant and its leadership demonstrating insurance or insurance-related industry experience and applicable experience in the use of the technology.

(c) The commissioner shall review the application to:

(1) Identify and assess:

(A) The potential risks to consumers, if any, posed by the innovation; and

(B) The manner in which the innovation would be offered or provided; and

(2) Determine whether it satisfies the following requirements:

(A) The application satisfies the requirements of §33-60-2 of this code;

(B) The application proposes a product, process, method, or procedure that meets the definition of innovation under §33-60-1 of this code;

(C) Approval of the application does not pose an unreasonable risk of consumer harm;

(D) The application identifies statutory or regulatory requirements that actually prevent the innovation from being utilized, issued, sold, solicited, distributed, or advertised in this state; and

(E) The application proposes an innovation that is not substantially similar to another innovation:

(i) That has been previously beta tested; or

(ii) Proposed in an application that is currently pending with the commissioner.

(d) Upon review of the application, the commissioner shall, in his or her discretion, issue one of the following:

(1) If the commissioner determines that the application fails to satisfy any of the requirements under §33-60-3(c)(2) of this code, he or she shall:

(A) Issue a notice of rejection to the applicant; and

(B) Describe in the notice of rejection the specific defects in the application; or

(2) If the commissioner determines that the application satisfies the requirements of §33-60-3(c)(2) of this code, he or she shall issue a notice of acceptance to the applicant. The notice of acceptance shall:

(A) Set forth the terms and conditions that will govern the applicant's beta test, which shall include, at a minimum:

(i) A requirement that the applicant:

(I) Abide by all West Virginia law, except where explicitly excepted;

(II) Utilize the insurance innovation within this state; and

(III) Report any change in the disclosures made pursuant to §33-60-2(a)(7) of this code;

(ii) A notice of the licenses required to be obtained prior to the commencement of the beta test;

(iii) Monthly reporting obligations structured to determine the progress of the beta test;

(iv) Consumer protection measures deemed necessary by the commissioner to be employed by the applicant;

(v) The level of financial stability required to be in place for the beta test. The commissioner may increase, decrease, or waive the requirements for financial stability required under §33-60-2(a)(8) of this code, commensurate with the risk of consumer harm posed by the insurance innovation;

(vi) The duration of the beta test, including any extension authorized under §33-60-5 of this code;

(vii) Permitted conduct under the limited letter;

(viii) Any limits established by the commissioner on the:

(I) Financial exposure that may be assumed by an applicant during the beta test;

(II) Number of customers an applicant may accept; and

(III) Volume of transactions that an applicant or its clients may complete during the beta test; and

(ix) The metrics the commissioner intends to use to determine the innovation's utility; and

(B) Provide that the notice of acceptance shall expire unless:

(i) It is accepted by the applicant in writing; and

(ii) The acceptance is filed with the commissioner within 60 days of the issuance of the notice.

(e) An applicant may request a hearing pursuant to §33-2-13 of this code on:

(1) A notice of rejection; and

(2) A notice of acceptance, if the request is made prior to its expiration.

§33-60-4. Limited no-action letter.

(a) Within 10 days following the timely receipt of an acceptance pursuant to §33-60-3(d)(2)(B) of this code, the commissioner shall issue a limited no-action letter that:

(1) Sets forth terms and conditions for the participant that are the same as those set forth in the notice of acceptance issued under §33-60-3(d)(2) of this code; and

(2) Provides that so long as the participant and any clients of the participant abide by the terms and conditions set forth in the letter, no administrative or regulatory action concerning the compliance of the insurance innovation with West Virginia law will be taken by the commissioner against the participant or any clients during the term of the beta test.

(b) If the application is deemed accepted under §33-60-3(a)(3) of this code, the proposed limited no-action letter included with the application shall be deemed to have the effect of a limited letter issued by the commissioner.

(c) The safe harbor of the limited letter shall persist until the earlier of:

(1) The early termination of the beta test under §33-60-5 of this code;

(2) The issuance of an extended no-action letter; or

(3) The issuance of a notice declining to issue an extended no-action letter.

(d) The commissioner shall publish all limited letters issued pursuant to this section on the commissioner's publicly accessible internet website.

§33-60-5. Time period of beta test; extension of time period; penalties for violation of limited no-action letter.

(a) The time period for a beta test shall be three years. The time period may be extended by the commissioner in the notice of acceptance for a period that is not longer than one year if a request is made in accordance with §33-60-2(a)(5)(B) of this code.

(b) During the beta test, the participant and any clients of the participant shall:

(1) Comply with all terms and conditions set forth in the limited no-action letter; and

(2) Provide the commissioner with all documents, data, and information requested by the commissioner.

(c) For any violation of the terms or conditions set forth in the limited letter, the commissioner may:

(1) Issue an order terminating the beta test and the safe harbor of the limited letter before the time period set forth in the limited letter has expired; and

(2) Impose a fine of not more than \$2,000 per violation.

(d) The commissioner may issue an order under §33-60-5(c) of this code if, following receipt of information or complaints, the commissioner determines the beta test is causing consumer harm.

(e) The commissioner may issue an order requiring a client to cease and desist any activity violating the terms or conditions set forth in the limited letter. The issuance of a cease and desist order to one client shall not otherwise impact the ability of the participant or any other clients to continue activities relating to the innovation in a manner compliant with the requirements of the limited letter.

(f) A participant or client may request a hearing on any order issued under this section pursuant to §33-2-13 of this code.

§33-60-6. Extended no-action letter; review of beta test.

(a) Within 60 days of completion of the beta test, unless the time period is extended up to 30 days upon notice from the commissioner, the commissioner shall issue an extended no-action letter or a notice declining to issue an extended no-action letter. The participant may continue to employ the insurance innovation pursuant to the terms and conditions of the limited letter during the period between the completion of the beta test and the issuance of either an extended no-action letter or a notice declining to issue an extended no-action letter.

(b) The commissioner shall review the results of the beta test to determine whether the innovation satisfies the following requirements:

(1) The data presented demonstrates that the innovation's utility was meritorious of an extension;

(2) Regulatory and statutory barriers prevent continued use of the innovation within this state;

(3) The innovation provided a benefit to West Virginia consumers; and

(4) The issuance of an extended no-action letter:

(A) Presents no risk of unreasonable harm to consumers or the marketplace; and

(B) Serves the public interest.

(c) Upon review of the results of the beta test the commissioner shall, in his or her discretion, issue one of the following:

(1) If the commissioner determines that the innovation fails to satisfy any of the requirements under §33-60-6(b) of this code, he or she shall:

(A) Issue a notice declining to issue an extended no-action letter;

(B) Describe in the notice the reasons for the declination;

(C) Notify the participant for the innovation of the notice; and

(D) Publish the notice on the commissioner's publicly accessible Internet website; or

(2) If the commissioner determines that the innovation satisfies the requirements under §33-60-6(b) of this code, he or she shall issue an extended no-action letter. An extended no-action letter issued by the commissioner shall include:

(A) A description of the insurance innovation and the specific conduct permitted by the extended no-action letter in sufficient detail to enable any person to use the innovation or a product,

process, method, or procedure not substantially different from the innovation within the safe harbor of the extended no-action letter;

(B) Notice of any certificate of authority, license, or permit the commissioner determines is necessary to use, sell, or license the innovation, or make the innovation available, in this state;

(C) An expiration date not greater than three years following the date of issuance;

(D) Notice that the extended no-action letter may:

(i) Be modified only by:

(I) Legislative rule proposed by the commissioner, if the safe harbor addresses a requirement established by rule; or

(II) An act of the Legislature; and

(ii) Be rescinded prior to its expiration if the commissioner receives complaints and determines continued activity poses a risk of harm to consumers;

(E) Clarification of required procedures related to the issuance and cancellation of any policies of insurance, if applicable, due to the expiration period; and

(F) Notice that, upon expiration, all persons relying on the extended no-action letter shall cease and desist operations related to the innovation unless changes have been made to West Virginia law to permit the innovation by:

(i) The promulgation of a legislative rule by the commissioner, if the safe harbor addresses a requirement established by rule; or

(ii) An act of the Legislature.

(d) A hearing on a notice of declination may be requested in accordance with §33-2-13 of this code.

(e) An extended no-action letter issued by the commissioner pursuant to this section shall be published on the commissioner's publicly accessible internet website.

§33-60-7. Confidentiality of information.

(a) All documents, materials, or other information in the possession or control of the commissioner that are created, produced, obtained, or disclosed in relation to this article and that relate to the financial condition of any person shall be confidential by law and privileged, are not subject to the provisions of chapter 29B of this code, are not subject to subpoena, and are not subject to discovery or admissible in evidence in any private civil action.

(b) Notwithstanding any law to the contrary, the commissioner may disclose in an extended no-action letter any information relating to the insurance innovation necessary to clearly establish the safe harbor of the extended no-action letter.

§33-60-8. Reports to the Legislature.

(a) On or before September 1 each year during which there was activity pursuant to this article during the prior fiscal year, the commissioner shall submit a written report to the Joint Committee on Government and Finance that meets the requirements of §33-60-8(b) of this code.

(b) The report shall include the following:

(1) The number of:

(A) Applications filed and accepted;

(B) Beta tests conducted; and

(C) Extended no-action letters issued;

(2) A description of the innovations tested;

(3) The length of each beta test;

(4) The results of each beta test;

(5) A description of each safe harbor created under §33-60-6 of this code;

(6) The number and types of orders or other actions taken by the commissioner or any other interested party under this article;

(7) Identification of any statutory barriers for consideration by the Legislature following successful beta tests and the issuance of extended no-action letters; and

(8) Any other information or recommendations deemed relevant by the commissioner.

(c) The commissioner shall also, upon request of any committee of the Legislature, testify and explain any report submitted under this section and any activity pursuant to this article.

§33-60-9. Reciprocity agreements.

The commissioner may enter into agreements with state, federal, or foreign regulatory agencies to allow persons who make an insurance innovation available in West Virginia through the regulatory sandbox to make their insurance innovation available in other jurisdictions and to allow persons operating in similar regulatory sandboxes in other jurisdictions to make insurance innovations available in West Virginia under the standards of this article.

§33-60-10. Rulemaking.

(a) The Insurance Commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code for the purposes of administering this article.

(b) The Insurance Commissioner shall develop all forms, contracts, or other documents to be used for the purposes outlined in this article.”

And,

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

Com. Sub. for H. B. 2221 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-60-1, §33-60-2, §33-60-3, §33-60-4, §33-60-5, §33-60-6, §33-60-7, §33-60-8, §33-60-9, and §33-60-10, all relating to the establishment of an insurance innovation process; defining terms; setting forth application requirements; prohibiting certain persons from applying; providing for the acceptance or rejection of the application by the Insurance Commissioner; requiring that the Insurance Commissioner set forth certain terms and conditions that will govern a proposed insurance innovation; providing that the Insurance Commissioner issue a limited no-action letter that establishes a safe harbor under which the commissioner will not take administrative or regulatory action against a participant or client of the participant; establishing the time period of the safe harbor and for the extension thereof; setting forth the requirements that a participant must adhere to during the safe harbor period; providing for penalties regarding violations of the terms contained in a limited no-action letter; providing the right to an administrative hearing; setting forth the criteria for the Insurance Commissioner to issue an extended no-action letter; providing for what the extended no-action letter must contain; requiring that documents and other information submitted to the Insurance Commissioner in relation to the insurance innovation be confidential and privileged; allowing the Insurance Commissioner to disclose in the extended no-action letter any information necessary to clearly establish the safe harbor; requiring the Insurance Commissioner to provide reports and, upon request, briefings to the Legislature; allowing the Insurance Commissioner to enter into reciprocity agreements with state, federal, or foreign regulatory agencies; and requiring rulemaking.”

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. 588**), and there were—yeas 100, nays none, absent and not voting none.

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. 2221) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2266, Relating to expanding certain insurance coverages for pregnant women.

On motion of Delegate Summers, the House 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:

“§9-5-12. Medicaid program; maternity and infant care.

~~(a) The Legislature finds that high rates of infant mortality and morbidity are costly to the state in terms of human suffering and of expenditures for long term institutionalization, special education, and medical care. It is well documented that appropriate care during pregnancy and delivery can prevent many of the expensive, disabling problems our children experience. There exists a crisis in this state relating to the availability of obstetrical services, particularly to patients in rural areas, and to the cost patients must pay for obstetrical services. The availability of obstetrical service for Medicaid patients enables these patients to receive quality medical care and to give birth to healthier babies and, consequently, improve the health status of the next generation.~~

~~The Legislature further recognizes that public and private insurance mechanisms remain inadequate, and poor and middle-income women and children are among the most likely to be without insurance. Generally, low income, uninsured children receive half as much health care as their insured counterparts. The~~

~~state is now investing millions to care for sick infants whose deaths and disabilities could have been avoided.~~

~~It is the intent of the Legislature that the Department of Health and Human Resources participate in the Medicaid program for indigent children and pregnant women established by Congress under the Consolidated Omnibus Budget Reconciliation Act (COBRA), Public Law 99-272, the Sixth Omnibus Budget Reconciliation Act (SOBRA), Public Law 99-504, and the Omnibus Budget Reconciliation Act (OBRA), Public Law 100-203.~~

~~(b)~~ (a) The department shall:

(1) Extend Medicaid coverage to pregnant women and their newborn infants to 185 percent of the federal poverty level and to provide coverage up to ~~60 days~~ 1-year postpartum care, effective July 1, ~~2019~~, 2021 or as soon as federal approval has occurred.

(2) As provided under ~~COBRA, SOBRA, and OBRA~~ the Consolidated Omnibus Budget Reconciliation Act (COBRA), Public Law 99-272, the Sixth Omnibus Budget Reconciliation Act (SOBRA), Public Law 99-509, and the Omnibus Budget Reconciliation Act (OBRA), Public Law 100-203, effective July 1, 1988, infants shall be included under Medicaid coverage with all children eligible for Medicaid coverage born after October 1, 1983, whose family incomes are at or below 100 percent of the federal poverty level and continuing until such children reach the age of eight years.

(3) Elect the federal options provided under COBRA, SOBRA, and OBRA impacting pregnant women and children below the poverty level: *Provided*, That no provision in this article shall restrict the department in exercising new options provided by or to be in compliance with new federal legislation that further expands eligibility for children and pregnant women.

(4) The department is responsible for the implementation and program design for a maternal and infant health care system to reduce infant mortality in West Virginia. The health system design

shall include quality assurance measures, case management, and patient outreach activities. The department shall assume responsibility for claims processing in accordance with established fee schedules and financial aspects of the program necessary to receive available federal dollars and to meet federal rules and regulations.

(5) ~~Beginning July 1, 1988, the~~ The department shall increase to no less than \$600 the reimbursement rates under the Medicaid program for prenatal care, delivery, and post-partum care.

(~~e~~) (b) In order to be in compliance with the provisions of OBRA through rules and regulations, the department shall ensure that pregnant women and children whose incomes are above the Aid to Families and Dependent Children (AFDC) payment level are not required to apply for entitlements under the AFDC program as a condition of eligibility for Medicaid coverage. Further, the department shall develop a short, simplified pregnancy/pediatric application of no more than three pages, paralleling the simplified OBRA standards.

(~~d~~) (c) Any woman who establishes eligibility under this section shall continue to be treated as an eligible individual without regard to any change in income of the family of which she is a member until the end of the ~~60-day~~ 1 year period beginning on the last day of her pregnancy.

(~~e~~) (d) The department shall make payment for tubal ligation without requiring at least 30 days between the date of informed consent and the date of the tubal ligation procedure.”

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

Nays: J. Jeffries and McGeehan.

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. 2266) passed.

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

On this question, the yeas and nays were taken (**Roll No. 590**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: J. Jeffries and McGeehan.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2266) takes effect from its passage.

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

A message from the Senate, by

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

H. B. 2379, Make criminal invasion of privacy a felony.

On motion of Delegate Kessinger, the House refused to concur in the following amendment of the bill by the Senate, and requested the Senate to recede therefrom:

On page two, section twenty-eight, lines twenty through twenty-five, by striking out subsection (b) and inserting in lieu thereof a new subsection (b), to read as follows:

“(b) It is unlawful for a person to knowingly visually portray another person without that other person’s knowledge, while that other person is fully or partially nude and is in a place where a reasonable person would have an expectation of privacy. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, shall be confined in a county

or regional jail for not more than one year or fined not more than \$5,000, or both.”

And,

On page two, section twenty-eight, lines thirty through thirty-two, by striking out all of subsection (d) and inserting in lieu thereof a new subsection (d), to read as follows:

“(d) Notwithstanding the provisions of subsections (b) or (c) of this section, any person who is convicted of a second or subsequent violation of subsection (b) or (c) of this section, or who violates subsection (b) or (c) of this section with the intent to cause psychological or emotional injury to another is guilty of a felony, and, upon conviction thereof, shall be fined not more than \$10,000 or imprisoned in a state correctional facility for not less than one nor more than three years, or both fined and imprisoned.”

And,

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

H. B. 2379 – “A Bill to amend and reenact §61-8-28 of the Code of West Virginia, 1931, as amended, relating to the offense of criminal invasion of privacy, generally; creating the felony offenses of displaying or distributing a visual display of another in violation of the section with the intent to cause psychological or emotional injury to another; and establishing penalties.”

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

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. 2573, Relating generally to the transparency and accountability of state grants to reduce waste, fraud, and abuse.

On motion of Delegate Summers, the House 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:

“ARTICLE 10. WEST VIRGINIA DEVELOPMENT ACHIEVEMENTS TRANSPARENCY ACT.

§5B-10-1. Short title.

This article shall be known and cited as the ‘West Virginia Development Achievements Transparency Act’ or the ‘West Virginia DATA Act’.

§5B-10-2. Purpose and findings.

(a) The Legislature finds that public tax dollars are expended annually, whether directly in the form of grants or indirectly in the form of tax credits and incentives, for the purpose of developing and improving economic industries within the State of West Virginia.

(b) The Legislature further finds that the State of West Virginia should inform state taxpayers about these direct or indirect expenditures, the objectives of the expenditures, and whether the state met the intended objectives of the expenditures.

(c) The Legislature further finds that any funds deposited into the Grant Recovery Fund pursuant to §12-4-14(e)(10) of this code should be appropriated by the Legislature to the granting body that originally granted the funds to a grantee or subgrantee.

§5B-10-3. Definitions.

For the purpose of this article:

‘Auditor’ means the State Auditor of West Virginia, by himself or herself, or by any person appointed, designated, or approved by the State Auditor to perform the service.

‘Business type’ means the legal form of organization of a corporate parent or recipient corporation, including, but not limited to, a corporation, partnership, sole proprietorship, or limited liability company.

‘Corporate parent’ means any person, association, corporation, joint venture, partnership, or other entity that owns or controls 50 percent or more of a recipient corporation.

‘Confidential information’ means any internal, deliberative, preliminary, proprietary, personal, or protected economic development or taxpayer information as defined in §5B-10-6 of this code, §11-10-5d of this code, or Chapter 29B of this code, that is exempt from public disclosure.

‘Date of subsidy’ means the date that a granting body provides the initial monetary value of a development subsidy to a recipient corporation: *Provided*, That where the subsidy is for the installation of new equipment, such date shall be the date the recipient corporation puts the equipment into service: *Provided, however*, That where the subsidy is for improvements to property, such date shall be the date the improvements are finished, or the date the recipient corporation occupies the property, whichever is earlier.

‘Development subsidy’ means any financial transaction of public funds with an aggregate value of at least \$10,000 for the purpose of stimulating economic development within the state, including, but not limited to, bonds, grants, loans, loan guarantees, enterprise zones, empowerment zones, tax increment financing, sponsorships, fee waivers, land price subsidies, matching funds, tax abatements, tax exemptions, and tax credits.

‘Duration of subsidy’ means as many years as a subsidy benefits a recipient corporation, such as the time period of a grant, the number of years a tax credit may be claimed and/or carried forward, the number of years or term length of a loan, or the number of years a property tax reduction applies.

‘Full-time job’ means a job in which an individual is employed by a recipient corporation for at least 35 hours per week.

‘Granting body’ means any agency, board, office, public-private partnership, public benefit corporation or authority of the state or local government that provides a development subsidy to a recipient corporation.

‘NAICS code’ means the assigned code maintained by the North American Industry Classification System which describes a particular industry.

‘New Employee’ means a full-time employee who represents a net increase in the number of individuals employed by the recipient corporation in the state. ‘New employee’ does not include an employee who performs a job that was previously performed by another employee of the recipient corporation if that job existed for at least six months before hiring the employee.

‘Official report’ means a formal, written report prepared by a granting body delivered to a third party, including, but not limited to, the Joint Committee on Government and Finance, Governor’s Office, or the public.

‘Part-time job’ means a job in which an individual is employed by a recipient corporation for less than 35 hours per week.

‘Project site’ means the site of a project for which any development subsidy is provided, as specified by street address, city name, and zip code.

‘Recipient corporation’ means any person, association, corporation, joint venture, partnership or other entity that receives a development subsidy.

‘Subsidy type’ means the classification of a development subsidy transaction, including, but not limited to, bonds, grants, loans, loan guarantees, enterprise zones, empowerment zones, tax increment financing, grants, fee waivers, land price subsidies, matching funds, tax abatements, tax exemptions, and tax credits.

‘Subsidy value’ means the face value of any and all development subsidies provided to a recipient corporation. The face value of a loan means the amount of the loan.

‘Temporary job’ means a job in which an individual is hired for a season or for a limited period of time.

§5B-10-4. Reporting requirements.

(a) Within 30 days of the end of the fiscal year, each granting body shall provide the Auditor with the information required in §5B-10-6 of this code for each development subsidy provided to a recipient corporation by a granting body: *Provided*, That no development subsidy approved and legally obligated by the State of West Virginia shall be exempt from disclosure under this article.

(b) The Auditor shall provide guidance to each granting body regarding the standard and manner of reporting specified in this section.

(c) The Auditor may accept one or multiple official reports of a granting body to satisfy the requirements of this section provided the information provided in the official reports discloses the information required by §5B-10-6 of this code.

(d) The West Virginia Department of Economic Development may fulfill the requirements of this section on behalf of any granting bodies.

(e) The West Virginia Department of Economic Development may fulfill the requirements of this section by providing any agreements entered into or signed by the West Virginia Department of Economic Development which obligates public funds as of the date the agreement is entered into, signed or otherwise made public.

§5B-10-5. Auditor’s searchable economic development website created.

No later than January 1, 2022, the Auditor shall develop and make publicly available a searchable financial transparency

website containing the information specified in §5B-10-6 of this code.

§5B-10-6. Contents of the searchable website.

(a) The Auditor shall include as part of the searchable economic development transparency website the following content for each fiscal year and the previous three fiscal years:

(1) The name of the recipient corporation of a development subsidy: *Provided*, That if a name of a recipient corporation of a development subsidy be considered confidential information, the granting body shall provide the business type of the recipient corporation instead of the name;

(2) The name of the corporate parent of the recipient corporation, if applicable: *Provided*, That should a name of a corporate parent of a recipient corporation of a development subsidy be considered confidential information, the granting body shall provide the business type of the corporate parent instead of the name;

(3) The project site: *Provided*, That should the project site be considered confidential information, the granting body shall provide the city, state, and zip code, but not the street address;

(4) The NAICS code or codes of the recipient corporation;

(5) The date of subsidy;

(6) The subsidy value;

(7) The duration of subsidy;

(8) The subsidy type;

(9) The number of new employees the development subsidy is expected to create within the duration of subsidy, classified by full-time jobs, part-time jobs, and temporary jobs;

(10) The number of new employees the development subsidy has actually created within the duration of subsidy, classified by full-time jobs, part-time jobs, and temporary jobs: *Provided*, That this number may be estimated if an accurate count is not available, but the granting body shall clearly disclose that the reported number is an estimate;

(11) Any other direct or indirect benefits to the state the granting body intends the development subsidy to achieve, including, but not limited to, creation of public infrastructure, vocational training, apprenticeships, workforce development, or state tourism visitor or permanent resident population increases;

(12) Any other direct or indirect benefit to the state actually achieved by the development subsidy, including, but not limited to, creation of public infrastructure, vocational training, apprenticeships, workforce development, or state tourism visitor or permanent resident population increases; and

(13) The name or names of the granting body or bodies providing the development subsidy.

§5B-10-7. Confidentiality.

(a) Nothing in this article may be construed as requiring the West Virginia Department of Economic Development or the West Virginia Tax Department to release confidential information as defined in this article.

(b) If information regarding a development subsidy is confidential information, a granting body shall redact only those confidential items but shall disclose any other information pertaining to a development subsidy that is not confidential information.

(c) The Auditor may consult with the granting body to determine the confidentiality of development subsidy data required in §5B-10-6 of this code and determine the appropriate disclosures

on the searchable economic development website created in §5B-10-5 of this code to preserve confidentiality.

(d) The Auditor shall identify any redacted items not appearing on the searchable economic development transparency website and the justification as to why the items were redacted.

§5B-10-8. Source and accuracy of information; failure to report.

(a) To fulfill the requirements of this article, a granting body may independently compile the information required in §5B-10-6 of this code or request the information from a recipient corporation.

(b) A granting body shall review information received from a recipient corporation to ensure it is reasonably accurate but is not required to audit or certify the accuracy of the information.

(c) The Auditor shall publish a list on the searchable economic development transparency website detailing any granting body or recipient corporation who fails to comply with the requirements of this article.

(d) The Auditor shall publish a list on the searchable economic development transparency website detailing any granting body or recipient corporation who intentionally submits false, misleading, or fraudulent information: *Provided*, That the Auditor shall notify the Joint Committee on Government and Finance of any granting body or recipient corporation who intentionally submits false, misleading, or fraudulent information to the Auditor.

§5B-10-9. Public hearings.

The Auditor may conduct public hearings or training sessions to assist any recipient corporation or granting body in complying with the requirements of this article.

ARTICLE 4. ACCOUNTS, REPORTS AND GENERAL PROVISIONS.

§12-4-14. West Virginia Grant Transparency and Accountability Act; Accountability of grantees receiving state funds or grants; procedures, reporting, auditing, investigations, and recovery; sworn statements by volunteer fire departments; rule making, criminal penalties.

(a) This section may be cited as The West Virginia Grant Transparency and Accountability Act. The West Virginia Grant Transparency and Accountability Act is intended to develop a coordinated, nonredundant process for the effective oversight and monitoring of grant recipients, thereby ensuring quality programs and limiting fraud, waste, and abuse.

~~(a)~~ (b) For the purposes of this section:

(1) ‘Grantor’ means a state spending unit awarding a state grant.

(2) ‘Grantee’ means any entity receiving a state grant, including a state spending unit, local government, corporation, partnership, association, individual, or other legal entity.

(3) ‘Subgrantee’ means an entity, including a state spending unit, local government, corporation, partnership, association, individual, or other legal entity, who receives grant money from a grantee who was awarded a state grant.

~~(3)~~ (4) ‘Report’ means an engagement, such as an agreed-upon procedures engagement or other attestation engagement, performed and prepared by a certified public accountant to test whether state grants were spent as intended. The term ‘report’ does not mean a full-scope audit or review of the person receiving state funds.

~~(4)~~ (5) ‘State grant’ means funding provided by a state spending unit, regardless of the original source of the funds, to a grantee upon application for a specific purpose. The term ‘state grant’ does not include: (A) Payments for goods and services purchased by a state spending unit; (B) compensation to state employees and public officials; (C) reimbursements to state

employees and public officials for travel or incidental expenses; (D) grants of student aid; (E) government transfer payments; (F) direct benefits provided under state insurance and welfare programs; (G) funds reimbursed to a person for expenditures made for qualified purposes when receipts for the expenditures are required prior to receiving the funds; (H) retirement benefits; and (I) federal pass-through funds that are subject to the federal Single Audit Act Amendments of 1996, 31 U.S.C. § 7501 *et seq.* The term ‘state grant’ does not include formula distributions to volunteer and part-volunteer fire departments and fire companies made pursuant to §33-3-14d, §33-3-33, §33-12C-7 of this code and does not include money received from the Fire Service Equipment and Training Fund as provided in §29-3-5f of this code.

(6) ‘West Virginia debarred list’ means the list maintained by the State Auditor that contains the names of individuals and entities that are ineligible, either temporarily or permanently, from receiving an award of grant funds from the state.

(7) ‘State Auditor’ means the State Auditor of West Virginia, by himself or herself, or by any person appointed, designated, or approved by the State Auditor to perform the service.

(8) ‘Stop payment order’ means a communication from the state grant-making agency to the State Auditor and the State Treasurer, following procedures by the State Auditor, causing the cessation of payments to a grantee or subgrantee as a result of the grantee or subgrantee’s failure to comply with one or more terms of the grant or subgrant, violations of law, or the initiation of an audit or investigation.

(9) ‘Stop payment procedure’ means the procedure created by the State Auditor which effects a stop payment order or the lifting of a stop payment order.

~~(b)~~ (c) (1) Any grantee who receives one or more state grants in the amount of \$50,000 or more in the aggregate in a state’s fiscal year shall file with the grantor and the State Auditor a report of the disbursement of the state grant funds. When the grantor causes an audit, by an independent certified public accountant, to be

conducted of the grant funds, the audit is performed using generally accepted government auditing standards, and a copy of the audit is available for public inspection, no report is required to be filed under this section. An audit performed that complies with Office of Management and Budget circular A-133, and submitted within the period provided in this section may be substituted for the report.

(2) Any grantee who receives a state grant in an amount less than \$50,000 or who is not required to file a report because an audit has been conducted or substituted as provided by subdivision (1) of this subsection shall file with the grantor and State Auditor a sworn statement of expenditures made under the grant.

(3) Subgrant of grant funds – If any grantee obtains grant funds and grants any part or all of those funds to a subgrantee for a specific purpose or purposes, the granted funds shall be treated as a state grant.

~~(3)~~ (4) Reports and sworn statements of expenditures required by this ~~subsection~~ section shall be filed within two years of the end of the grantee's fiscal year in which the disbursement of state grant funds by the grantor was made. The report shall be made by an independent certified public accountant at the cost of the grantee. State grant funds may be used to pay for the report if the applicable grant provisions allow. The scope of the report is limited to showing that the state grant funds were spent for the purposes intended when the grant was made.

(5) In the event the State Auditor determines that applicable reporting or record keeping provisions for state grants are delinquent or not in compliance with this code, the State Auditor shall notify the State Treasurer and no further grant funds appropriated to the grantor agency under the specific grant shall be encumbered or expended until such time as the State Auditor determines that all applicable reporting or record keeping provisions are brought into compliance: *Provided*, That such suspension of funding does not violate federal law or regulations or unreasonably prevent or detrimentally impact the ability of the agency to receive federal support or funding.

(6) Each State grant-making agency shall designate a Chief Accountability Officer, to the extent possible from within its existing staff, who shall serve as a liaison to the State Auditor and shall be responsible for the state agency's implementation of and compliance with the law, rules, and terms of grants. Such position may be held concurrently with any other designated position.

~~(e)~~(d)(1) Grantor agencies or the State Auditor shall issue stop payment orders for failure to file required reports. Any grantee failing to file a required report or sworn statement of expenditures within the two-year period provided in subdivision (3), subsection (b) as provided in of this section for state grant funds is barred from subsequently receiving state grants until the grantee has filed the report or sworn statement of expenditures and is otherwise in compliance with the provisions of this section.

(2) Any grantor of a state grant shall report any grantee failing to file a required report or sworn statement of expenditures within the required period provided in this section to the ~~Legislative~~ State Auditor for purposes of debarment from receiving state grants.

(3) The State Auditor shall maintain a searchable and publicly accessible database listing all awarded state grants. All grantors shall provide a list of grantees and subgrantees to the State Auditor and all other information regarding grant funds and grantees as required by law or rule.

~~(d)~~(c)(1) The state agency administering the state grant shall notify the grantee of the reporting requirements set forth in this section.

(2) All grantors awarding state grants shall, prior to awarding a state grant, ~~take reasonable actions to~~ verify that the grantee is not barred from receiving state grants pursuant to this section. The verification process shall, at a minimum, include:

(A) A requirement that the grantee seeking the state grant provide a sworn statement from an authorized representative that the grantee has filed all reports and sworn statements of

expenditures for state grants received as required under this section; and

(B) Confirmation from the ~~Legislative—Auditor~~ State Auditor by the grantor that the grantee has not been identified as one who has failed to file a report or sworn statement of expenditures under this section. Confirmation may be accomplished by accessing the computerized database provided for in ~~subsection (e)~~ of this section.

(3) If any report or sworn statement of expenditures submitted pursuant to the requirements of this section provides evidence of a reportable condition or violation, the grantor shall provide a copy of the report or sworn statement of expenditures to the ~~Legislative Auditor~~ State Auditor within 30 days of receipt by the grantor.

(4) The grantor and State Auditor shall maintain copies of reports and sworn statements of expenditures required by this section and make the reports or sworn statements of expenditures available for public inspection, as well as for use in audits and performance reviews of the grantor.

(5) Stop payment procedures – The State Auditor, in cooperation with state grant-making agencies, shall promulgate legislative, procedural, and interpretive rules in accordance with the provisions of §29A-3-1 et seq. of this code in implementing the provisions of this section which shall include, but not be limited to:

(A) Procedures concerning issuing and lifting stop payments and other corrective actions;

(B) Factors to be considered in determining whether to issue a stop payment order including whether or not a stop payment order is in the best interest of the state;

(C) Factors to be considered in determining whether a stop payment order should be lifted; and

(D) Procedures for notification to the grantee or subgrantee of the issuance of a stop payment order, the lifting of a stop payment order, and any other related information.

(6) Informal Conference – Whenever a grantor agency reasonably believes that grant funds are subject to recovery, the grantor agency shall provide the grantee the opportunity for at least one informal conference to determine the facts and issues and to resolve any conflicts before taking any formal recovery actions.

(7) Formal Procedures for Recovery –

(A) If a grantor agency determines that certain grant funds are to be recovered, then, prior to taking any action to recover the grant funds, the grantor agency shall provide the grantee of the funds a written notice of the intended recovery. This notice shall identify the funds and the amount to be recovered and the specific facts which permit recovery.

(B) A grantee shall have 35 days from the receipt of the notice required in paragraph (A) of this subdivision to return the grant funds or request a hearing in writing to show why recovery is not justified or proper.

(C) If a grantee requests a hearing pursuant to paragraph (B) of this subdivision, then:

(i) The hearing shall be conducted under §29A-5-1 *et seq.* of this code, and be presided over by the grantor agency head or their designee;

(ii) The grantor agency shall hold the hearing at which the grantee or designated representative may present evidence and witnesses to show why recovery should not be permitted; and

(iii) After the conclusion of the hearing, the grantor agency shall make a final decision and issue a written final recovery order in compliance with §29A-5-3 of this code and send a copy of the order to the grantee and the State Auditor.

(D)(i) If a grantee requests a hearing pursuant to paragraph (B) of this subdivision then the grantor agency may not take any action of recovery until at least 35 days after the grantor agency has issued a final recovery order pursuant to the requirements of paragraph (C) of this subdivision.

(ii) If a grantee does not return the grant funds or request a hearing as permitted in paragraph (B) of this subdivision, then the grantor agency may proceed with recovery of the grant funds identified in the notice issued pursuant to the requirements of paragraph (A) of this subdivision, at any time after the expiration of the 35 day request period established in paragraph (B) of this subdivision.

(8) Recovery of Grant Funds by Grantor Agency – Any grant funds which have been misspent or are being improperly held are subject to recovery by the grantor agency which made the grant. The grantor agency making the grant shall take affirmative and timely action to recover all misspent or improperly held grant funds. In order to effectuate the recovery of such grant funds, the grantor agency making the grant may use any one or a combination of the following:

(A) Offset the amounts against existing grants or future grants to be made by the grantor agency making the recovery;

(B) Request offsets of the amounts from existing grants or future grants to be made by other grantor agencies;

(C) Initiate any debt collection method authorized by law against any private person, business, or entity;

(D) Remove the grantee from the grantor agency's programs and debar the grantee's participation in future grant programs for a period not to exceed three years or until removed from the debarred list; or

(E) Request further action under subdivision (9) of this subsection to recover grant funds and otherwise enforce all applicable laws.

(9) Recovery of State Grant Funds – The Attorney General, independently or on behalf of the State Auditor, may take any action within his or her authority to recover any grant funds which have been misapplied or are being improperly held and have all the powers of collection established in this act in addition to any other

powers authorized by law, including, without limitation, to file lawsuits to recover grant funds.

(10) All grant funds, whose use is not restricted by law or otherwise appropriated, which are recovered by the grantor, or State Auditor, and expired or unexpended grant funds remaining at grant completion or termination, shall be deposited in a special revenue fund, which is hereby created and established in the State Treasury to be known as the Grant Recovery Fund. The moneys in the fund, with all interest or other earnings thereon, shall be expended only upon appropriation by the Legislature.

(5) (11) The Secretary of the Department of Administration State Auditor has authority to promulgate procedural and interpretive rules and propose legislative rules for promulgation in accordance with the provisions of §29A-3-1 et seq. of this code to assist in implementing the provisions of this section. The rules shall set forth uniform administrative requirements and reporting procedures for state grants and subgrants to ensure compliance. State granting agencies shall not impose additional or inconsistent requirements unless specifically required by state or federal law.

(12) Conflicts of interest – The State Auditor shall adopt rules regarding conflict of interest policies for state grants. Grantors, grantees, and subgrantees must disclose in writing any potential conflicts of interest to the grant applicant prior to awarding the grant.

(e)(f)(1) Any state agency administering a state grant shall, in the manner designated by the ~~Legislative Auditor~~ State Auditor, notify the ~~Legislative Auditor~~ State Auditor of the maximum amount of funds to be disbursed, the identity of the grantee authorized to receive the funds, the grantee's fiscal year and federal employer identification number, and the purpose and nature of the state grant within 30 days of making the state grant or authorizing the disbursement of the funds, whichever is later.

(2) The State Treasurer shall provide the Legislative Auditor the information concerning formula distributions to volunteer and

part-volunteer fire departments, made pursuant to §33-3-14d, §33-3-33, and §33-12C-7 of this code, the Legislative Auditor requests, and in the manner designated by the Legislative Auditor.

(3) The ~~Legislative Auditor~~ State Auditor shall maintain a debarred list identifying grantees who have failed to file reports and sworn statements required by this section. The list ~~may~~ shall be in the form of a computerized database that ~~may~~ shall be ~~accessed~~ accessible by state agencies and the public over the Internet, unless public disclosure would violate federal law or regulations.

~~(f)~~ (g) An audit of state grant funds may be authorized at any time by the Joint Committee on Government and Finance to be conducted by the State Auditor in cooperation with the Legislative Auditor at no cost to the grantee.

~~(g)~~(h) Any report submitted pursuant to the provisions of this section may be filed electronically in accordance with the provisions of §39A-1-1 *et seq.* of this code.

~~(h)~~(i) Any grantee who files a fraudulent sworn statement of expenditures under subsection (b) of the section, a fraudulent sworn statement under subsection (d) of this section, or a fraudulent report under this section is guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 or imprisoned in a state correctional facility for not less than one year nor more than five years, or both fined and imprisoned.

(j) Prohibition on use of grant funds for prohibited political activity –

(1) For the purpose of this section, "prohibited political activity" means activity directed toward the success or failure of a political party, candidate for political office, or ballot issue, and includes, without limitation, express advocacy for the election or defeat of a political party, candidate, or ballot issue.

(2) Grantors, grantees, subgrantees, and personnel thereof shall not knowingly use grant funds, or goods or services purchased with

grant funds, to engage, either directly or indirectly, in a prohibited political activity.

(3) Grantors, grantees, subgrantees and personnel thereof shall not be knowingly compensated from grant funds for time spent engaging in a prohibited political activity.

(4) Nothing in this section shall prohibit any organization described in 26 U.S.C. §501(c)(3) or 26 U.S.C. §501(c)(4) receiving a grant from the state from engaging in any federally permissible activity regarding advocacy, indirect and direct lobbying, and political activity, provided that the specific funds acquired by a grant from the state or grantor shall not be used for those activities that are permitted by federal law but prohibited by this section.

(5) A grantor, grantee, subgrantee, or personnel thereof who knowingly uses grant funds for prohibited political activity in violation of this section is guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 or imprisoned in a state correctional facility for not less than one year nor more than five years, or both fined and imprisoned.

(k) Reporting – Effective on or before December 31, 2022 and every three years thereafter, the State Auditor shall submit to the Joint Legislative Committee on Government and Finance a report that demonstrates the efficiencies, cost savings, and reductions in fraud, waste and abuse. The report shall include, but not be limited to, facts describing:

(1) The number and names of entities placed on the West Virginia Debarred List;

(2) The number of stop payment orders issued to grantees;

(3) Any savings realized as a result of the implementation of this act;

(4) A statement of funds recovered and funds in the recovery process;

(5) Any reductions in the number of duplicative audit report reviews; and

(6) The overall number of state grants awarded that given year and the total amount of dollars awarded by each state agency.”

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. 591**), and there were—yeas 100, nays none, absent and not voting none.

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. 2573) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect January 1, 2022, a bill of the House of Delegates, as follows:

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

On motion of Delegate Summers, the House 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 5F. REORGANIZATION OF THE
EXECUTIVE BRANCH OF STATE GOVERNMENT.**

ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.

§5F-2-8. Special merit-based personnel system for Department of Transportation employees.

(a) In order to attract and retain employees in the Department of Transportation, the Secretary of Transportation shall establish a system of personnel administration based on merit principles and scientific methods governing the appointment, promotion, transfer, layoff, removal, discipline, classification, compensation, and welfare of its employees, and other incidents of state employment. All appointments and promotions to positions shall be made solely on the basis of merit and fitness for the position.

(b) The Department of Transportation personnel system shall be founded on effective performance management principles that set clear goals, provide efficient and effective services for our citizens, and appraise and reward employees for being responsible and performing as required.

(c) Beginning on January 1, 2022, notwithstanding any provision of this code or any rule to the contrary, employees and positions within the various agencies, boards, commissions, and divisions within the Department of Transportation currently governed by the provisions of §29-6-1 *et seq.* of this code shall be subject to the personnel system created pursuant to this section: *Provided*, That such employees and positions shall be deemed to retain their classified or classified-exempt status and all rights and privileges thereof. The employees of the Department of Transportation shall be afforded due process protections through §6C-2-1 *et seq.* of this code or other procedures established by the department that assure all of the protections required by law.

(d) The Department of Transportation personnel system is not exempt from the provisions of this code prohibiting nepotism, favoritism, discrimination, or unethical practices related to the employment process.

(e) The Department of Transportation personnel system may not be applied in any manner that would disqualify the department or its agencies, boards, commissions, or divisions for eligibility for any federal funding or assistance.

(f) The Division of Personnel shall, upon request of the Secretary of Transportation, take any action necessary to assist the

Department of Transportation in completing the transition to the department's personnel system in an orderly and efficient manner.

(g) The Secretary of Transportation may propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code and may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code to implement the provisions of this section.

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

§17-2A-24. Special employment procedures for Division of Highways personnel.

[Repealed.]”

And,

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

Com. Sub. for H. B. 2720 - “A Bill to repeal §17-2A-24 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §5F-2-8, all relating to establishing a merit-based personnel administration system for the agencies, authorities, boards, and commissions within the Department of Transportation; authorizing the Secretary of Transportation to establish a merit-based personnel system; providing requirements and effective date for the personnel system; preserving classified or classified-exempt status, rights and privileges thereof, and due process protections; requiring compliance with state law regarding nepotism, favoritism, discrimination, and ethics in the employment process; prohibiting actions with a negative effect on federal funding; requiring inter-agency cooperation by the Division of Personnel; authorizing rule-making; and removing duplicative special employment procedures for Division of Highways personnel.”

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. 592**), and there were—yeas 82, nays 18, absent and not voting none, with the nays being as follows:

Nays: Barach, Brown, Diserio, Doyle, Fleischauer, Fluharty, Garcia, Hansen, Hornbuckle, Kimes, Lovejoy, Pushkin, Skaff, Thompson, Walker, Williams, Young and Zukoff.

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. 2720) passed.

Delegate Summers moved that the bill take effect January 1, 2022.

On this question, the yeas and nays were taken (**Roll No. 593**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: Kimes, Pushkin, Thompson and Walker.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2720) takes effect January 1, 2022.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2927, Adding Caregiving expenses to campaign finance expense.

On motion of Delegate Kessinger, the House 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:

“ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-1a. Definitions.

As used in this article, the following terms have the following definitions:

(1) ‘Ballot issue’ means a constitutional amendment, special levy, bond issue, local option referendum, municipal charter or revision, an increase or decrease of corporate limits, or any other question that is placed before the voters for a binding decision.

(2) ‘Billboard advertisement’ means a commercially available outdoor advertisement, sign, or similar display regularly available for lease or rental to advertise a person, place, or product.

(3) ‘Broadcast, cable, or satellite communication’ means a communication that is publicly distributed by a television station, radio station, cable television system, or satellite system.

(4) ‘Candidate’ means an individual who:

(A) Has filed a certificate of announcement under §3-5-7 of this code or a municipal charter;

(B) Has filed a declaration of candidacy under §3-5-23 of this code;

(C) Has been named to fill a vacancy on a ballot; or

(D) Has declared a write-in candidacy or otherwise publicly declared his or her intention to seek nomination or election for any state, district, county, municipal, or party office to be filled at any primary, general, or special election.

(5) ‘Candidate’s committee’ means a political committee established with the approval of or in cooperation with a candidate or a prospective candidate to explore the possibilities of seeking a

particular office or to support or aid his or her nomination or election to an office in an election cycle. If a candidate directs or influences the activities of more than one active committee in a current campaign, those committees shall be considered one committee for the purpose of contribution limits.

(6) 'Caregiving services' means direct care, protection, and supervision of a child, or other person with a disability or a medical condition, for which a candidate has direct caregiving responsibility. For the purposes of this article, the caregiving service expense incurred shall be in direct connection with the candidate's campaign activities during the current election cycle.

~~(6)~~ (7) 'Caucus campaign committee' means a West Virginia House of Delegates or Senate political party caucus campaign committee that receives contributions and makes expenditures to support or oppose one or more specific candidates or slates of candidates for nomination, election, or committee membership.

~~(7)~~ (8) 'Clearly identified' means that the name, nickname, photograph, drawing, or other depiction of the candidate appears, or the identity of the candidate is otherwise apparent through an unambiguous reference, such as 'the Governor', 'your Senator', or 'the incumbent', or through an unambiguous reference to his or her status as a candidate, such as 'the Democratic candidate for Governor' or 'the Republican candidate for Supreme Court of Appeals'.

~~(8)~~ (9) 'Contribution' means a gift, subscription, loan, assessment, payment for services, dues, advance, donation, pledge, contract, agreement, forbearance, promise of money, or other tangible thing of value, whether conditional or legally enforceable, or a transfer of money or other tangible thing of value to a person, made for the purpose of influencing the nomination, election, or defeat of a candidate.

(A) A coordinated expenditure is a contribution for the purposes of this article.

(B) An offer or tender of a contribution is not a contribution if expressly and unconditionally rejected or returned. A contribution does not include volunteer personal services provided without compensation: *Provided*, That a nonmonetary contribution is to be considered at fair market value for reporting requirements and contribution limitations.

~~(9)~~ (10) ‘Coordinated expenditure’ is an expenditure made in concert with, in cooperation with, or at the request or suggestion of a candidate or candidate’s committee and meeting the criteria provided in §3-8-9a of this code.

~~(10)~~ (11) ‘Corporate political action committee’ means a political action committee that is a separate segregated fund of a corporation that may only accept contributions from its restricted group as outlined by the rules of the State Election Commission.

~~(11)~~ (12) ‘Direct costs of purchasing, producing, or disseminating electioneering communications’ means:

(A) Costs charged by a vendor, including, but not limited to, studio rental time, compensation of staff and employees, costs of video or audio recording media and talent, material and printing costs, and postage; or

(B) The cost of air time on broadcast, cable, or satellite radio and television stations, the costs of disseminating printed materials, studio time, use of facilities, and the charges for a broker to purchase air time.

~~(12)~~ (13) ‘Disclosure date’ means either of the following:

(A) The first date during any calendar year on which any electioneering communication is disseminated after the person paying for the communication has spent a total of \$5,000 or more for the direct costs of purchasing, producing, or disseminating electioneering communications; or

(B) Any other date during that calendar year after any previous disclosure date on which the person has made additional expenditures totaling \$5,000 or more for the direct costs of

purchasing, producing, or disseminating electioneering communications.

~~(13)~~ (14) ‘Election’ means any primary, general, or special election conducted under the provisions of this code or under the charter of any municipality at which the voters nominate or elect candidates for public office. For purposes of this article, each primary, general, special, or local election constitutes a separate election. This definition is not intended to modify or abrogate the definition of the term ‘nomination’ as used in this article.

~~(14)~~ (15) (A) ‘Electioneering communication’ means any paid communication made by broadcast, cable or satellite signal, mass mailing, telephone bank, billboard advertisement, or publication in any newspaper, magazine, or other periodical that:

(i) Refers to a clearly identified candidate for Governor, Secretary of State, Attorney General, Treasurer, Auditor, Commissioner of Agriculture, Supreme Court of Appeals, or the Legislature;

(ii) Is publicly disseminated within:

(I) Thirty days before a primary election in which the nomination for office sought by the candidate is to be determined; or

(II) Sixty days before a general or special election in which the office sought by the candidate is to be filled; and

(iii) Is targeted to the relevant electorate.

(B) ‘Electioneering communication’ does not include:

(i) A news story, commentary, or editorial disseminated through the facilities of any broadcast, cable or satellite television, radio station, newspaper, magazine, or other periodical publication not owned or controlled by a political party, political committee, or candidate: *Provided*, That a news story disseminated through a medium owned or controlled by a political party, political committee, or candidate is nevertheless exempt if the news is:

(I) A bona fide news account communicated in a publication of general circulation or through a licensed broadcasting facility; and

(II) Is part of a general pattern of campaign-related news that gives reasonably equal coverage to all opposing candidates in the circulation, viewing, or listening area;

(ii) Activity by a candidate committee, party executive committee, a caucus campaign committee, or a political action committee that is required to be reported to the State Election Commission or the Secretary of State as an expenditure pursuant to §3-8-5 of this code or the rules of the State Election Commission or the Secretary of State promulgated pursuant to such provision: *Provided*, That independent expenditures by a party executive committee, caucus committee, or a political action committee required to be reported pursuant to §3-8-2 of this code are not exempt from the reporting requirements of this section;

(iii) A candidate debate or forum conducted pursuant to rules adopted by the State Election Commission or the Secretary of State or a communication promoting that debate or forum made by or on behalf of its sponsor;

(iv) A communication paid for by any organization operating under Section 501(c)(3) of the Internal Revenue Code of 1986;

(v) A communication made while the Legislature is in session which, incidental to promoting or opposing a specific piece of legislation pending before the Legislature, urges the audience to communicate with a member or members of the Legislature concerning that piece of legislation;

(vi) A statement or depiction by a membership organization in existence prior to the date on which the individual named or depicted became a candidate, made in a newsletter or other communication distributed only to bona fide members of that organization;

(vii) A communication made solely for the purpose of attracting public attention to a product or service offered for sale by a candidate or by a business owned or operated by a candidate

which does not mention an election, the office sought by the candidate, or his or her status as a candidate; or

(viii) A communication, such as a voter's guide, which refers to all of the candidates for one or more offices, which contains no appearance of endorsement for or opposition to the nomination or election of any candidate and which is intended as nonpartisan public education focused on issues and voting history.

~~(15)~~ (16) 'Expressly advocating' means any communication that:

(A) Uses phrases such as 'vote for the Governor', 're-elect your Senator', 'support the incumbent nominee for Supreme Court', 'cast your ballot for the Republican challenger for House of Delegates', 'Smith for House', 'Bob Smith in '04', 'vote Pro-Life', or 'vote Pro-Choice' accompanied by a listing of clearly identified candidates described as Pro-Life or Pro-Choice, 'vote against Old Hickory', 'defeat' accompanied by a picture of one or more candidates, 'reject the incumbent';

(B) Communicates campaign slogans or individual words that can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidates, such as posters, bumper stickers, advertisements, etc., which say 'Smith's the One', 'Jones '06', 'Baker', etc.; or

(C) Is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate.

~~(16)~~ (17) 'Financial agent' means any individual acting for and by himself or herself, or any two or more individuals acting together or cooperating in a financial way to aid or take part in the nomination or election of any candidate for public office, or to aid or promote the success or defeat of any political party at any election.

~~(17)~~ (18) 'Financial transactions' means all contributions or loans received and all repayments of loans or expenditures made to promote the candidacy of any person by any candidate or any

organization advocating or opposing the nomination, election, or defeat of any candidate to be voted on.

~~(18)~~ (19) ‘Firewall’ means a policy designed and implemented to prohibit the flow of information between employees or consultants providing services for the person paying for a communication and those employees or consultants currently or previously providing services to a candidate, or to a committee supporting or opposing a candidate, clearly identified in the communication.

~~(19)~~ (20) ‘Foreign national’ means the following:

(A) A foreign principal, as such term is defined in 22 U.S.C. §611(b), which includes:

(i) A government of a foreign country;

(ii) A foreign political party;

(iii) A person outside of the United States, unless it is established that such person:

(I) Is an individual and a citizen of the United States; or

(II) That such person is not an individual and is organized under or created by the laws of the United States or of any state or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and

(iv) A partnership, association, corporation, organization, or other combination of persons organized under the laws of, or having its principal place of business in, a foreign country.

(B) An individual who is not a citizen of the United States or a national of the United States, as defined in 8 U.S.C. §1101(a)(22), and who is not lawfully admitted for permanent residence, as defined by 8 U.S.C. §1101(a)(20).

~~(20)~~ (21) ‘Fund-raising event’ or ‘fundraiser’ means an event such as a dinner, reception, testimonial, cocktail party, auction, or similar affair through which contributions are solicited or received.

~~(21)~~ (22) ‘In concert or cooperation with or at the request or suggestion of’ means that a candidate or his or her agent consulted with:

(A) The sender regarding the content, timing, place, nature, or volume of a particular communication or communication to be made; or

(B) A person making an expenditure that would otherwise offset the necessity for an expenditure of the candidate or candidate’s committee.

~~(22)~~ (23) ‘Independent expenditure’ means an expenditure by a person:

(A) Expressly advocating the election or defeat of a clearly identified candidate, including supporting or opposing the candidates of a political party; and

(B) That is not made in concert or cooperation with or at the request or suggestion of such candidate, his or her agents, the candidate’s authorized political committee, or a political party committee or its agents.

An expenditure which does not meet the criteria for an independent expenditure is considered a contribution.

~~(23)~~ (24) ‘Local’ refers to the election of candidates to a city, county, or municipal office and any issue to be voted on by only the residents of a particular political subdivision.

~~(24)~~ (25) ‘Mass mailing’ means a mailing by United States mail, facsimile, or electronic mail of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period. For purposes of this subdivision, ‘substantially similar’ includes communications that contain substantially the same template or language, but vary in nonmaterial respects such as communications customized by the recipient’s name, occupation, or geographic location.

~~(25)~~ (26) 'Membership organization' means a group that grants bona fide rights and privileges, such as the right to vote, to elect officers or directors, and the ability to hold office to its members and which uses a majority of its membership dues for purposes other than political purposes. 'Membership organization' does not include organizations that grant membership upon receiving a contribution.

~~(26)~~ (27) 'Name' means the full first name, middle name, or initial, if any, and full legal last name of an individual and the full name of any association, corporation, committee, or other organization of individuals, making the identity of any person who makes a contribution apparent by unambiguous reference.

~~(27)~~ (28) 'Person' means an individual, corporation, partnership, committee, association, and any other organization or group of individuals.

~~(28)~~ (29) 'Political action committee' means a committee organized by one or more persons, the primary purpose of which is to support or oppose the nomination or election of one or more candidates. The following are types of political action committees:

(A) A corporate political action committee, as that term is defined in this section;

(B) A membership organization, as that term is defined in this section; and

(C) An unaffiliated political action committee, as that term is defined in this section.

~~(29)~~ (30) 'Political committee' means any candidate committee, political action committee, or political party committee.

~~(30)~~ (31) 'Political party' means a political party as that term is defined by §3-1-8 of this code or any committee established, financed, maintained, or controlled by the party, including any subsidiary, branch, or local unit thereof and including national or regional affiliates of the party.

~~(31)~~ (32) ‘Political party committee’ means a committee established by a political party or political party caucus for the purposes of engaging in the influencing of the election, nomination, or defeat of a candidate in any election.

~~(32)~~ (33) ‘Political purposes’ means supporting or opposing the nomination, election, or defeat of one or more candidates or the passage or defeat of a ballot issue, supporting the retirement of the debt of a candidate or political committee or the administration or activities of an established political party or an organization which has declared itself a political party, and determining the advisability of becoming a candidate under the pre-candidacy financing provisions of this chapter.

~~(33)~~ (34) ‘Targeted to the relevant electorate’ means a communication which refers to a clearly identified candidate for statewide office or the Legislature and which can be received by 140,000 or more individuals in the state in the case of a candidacy for statewide office, 8,220 or more individuals in the district in the case of a candidacy for the State Senate, and 2,410 or more individuals in the district in the case of a candidacy for the House of Delegates.

~~(34)~~ (35) ‘Telephone bank’ means telephone calls that are targeted to the relevant electorate, other than telephone calls made by volunteer workers, regardless of whether paid professionals designed the telephone bank system, developed calling instructions, or trained volunteers.

~~(35)~~ (36) ‘Unaffiliated political action committee’ means a political action committee that is not affiliated with a corporation or a membership organization.

§3-8-9. Lawful and unlawful election expenses; public opinion polls and limiting their purposes; limitation upon expenses; use of advertising agencies and reporting requirements; delegation of expenditures.

(a) No financial agent or treasurer of a political committee ~~shall~~ may pay, give, or lend, either directly or indirectly, any money or

other thing of value for any election expenses, except for the following purposes:

(1) For rent, maintenance, office equipment, and other furnishing of offices to be used as political headquarters and for the payment of necessary employees;

(2) In the case of a candidate who does not maintain a headquarters, for reasonable office expenses, including, but not limited to, filing cabinets and other office equipment, and furnishings, computers, computer hardware and software, scanners, typewriters, calculators, audio visual equipment, the rental of the use of the same, or for the payment for the shared use of same with the candidate's business and for the payment of necessary employees;

(3) For printing and distributing books, pamphlets, circulars, and other printed matter, radio and television broadcasting, and painting, printing, and posting signs, banners, and other advertisements, including contributions to charitable, educational, or cultural events, for the promotion of the candidate or the candidate's name, or an issue on the ballot;

(4) For renting and decorating halls for public meetings and political conventions, for advertising public meetings, and for the payment of traveling expenses of speakers and musicians at such meetings;

(5) For the necessary traveling and hotel expenses of candidates, political agents, and committees and for stationery, postage, telegrams, telephone, express, freight, and public messenger service;

(6) For preparing, circulating, and filing petitions for nomination of candidates;

(7) For examining the lists of registered voters, securing copies thereof, investigating the right to vote of the persons listed therein, and conducting proceedings to prevent unlawful registration or voting;

(8) For conveying voters to and from the polls;

(9) For securing publication in newspapers and by radio and television broadcasting of documents, articles, speeches, arguments, and any information relating to any political issue, candidate, or question or proposition submitted to a vote;

(10) For conducting public opinion poll or polls. For the purpose of this section, the phrase ‘conducting of public opinion poll or polls’ shall mean and be limited to the gathering, collection, collation, and evaluation of information reflecting public opinion, needs, and preferences as to any candidate, group of candidates, party, issue, or issues. No such poll may be deceptively designed or intentionally conducted in a manner calculated to advocate the election or defeat of any candidate or group of candidates or calculated to influence any person or persons so polled to vote for or against any candidate, group of candidates, proposition, or other matter to be voted on by the public at any election: *Provided*, That nothing herein may prevent the use of the results of any such poll or polls to further, promote or enhance the election of any candidate or group of candidates or the approval or defeat of any proposition or other matter to be voted on by the public at any election;

(11) For legitimate advertising agency services, including commissions, in connection with any campaign activity for which payment is authorized by subdivisions (3), (4), (5), (6), (7), (9), and (10) of this subsection;

(12) For the purchase of memorials, flowers, or citations by political party executive committees or political action committees representing a political party;

(13) For the purchase of nominal noncash expressions of appreciation following the close of the polls of an election or within 30 days thereafter;

(14) For the payment of dues or subscriptions to any national, state, or local committee of any political party;

(15) For contributions to a county party executive committee, state party executive committee, or a caucus campaign committee;

(16) For transfers to any national, state, or local committee of any political party when that committee is acting in the role of a vendor: *Provided*, That no such transfer may involve any coordination between the candidate and the political party committee without being considered as a contribution;

(17) For payment for legal and accounting services rendered to a candidate or candidate committee if the services are solely related to the candidacy or campaign;

(18) For payment for food and drink for campaign-related purposes;

(19) For the payment of any required filing fees associated with the campaign, except that a candidate may not pay any fines assessed against the candidate or the candidate's committee pursuant to this article; ~~and~~

(20) For contributions to a candidate committee: *Provided*, That a candidate committee may not contribute to another candidate committee except as otherwise provided by §3-8-10 of this code; and

(21) For expenses related to caregiving services.

(b) A political action committee may not contribute to another political action committee or receive contributions from another political action committee: *Provided*, That a political action committee may receive contributions from its national affiliate, if any.

(c) Every liability incurred, and payment made shall be for the fair market value of the services rendered.

(d) Every advertising agency subject to the provisions of this article shall file, in the manner and form required by §3-8-5a of this code, the financial statements required by §3-8-5 of this code at the times required therein and include therein, in itemized detail, all receipts from and expenditures made on behalf of a candidate, financial agent, or treasurer of a political party committee.

(e) Any candidate may designate a financial agent by a writing duly subscribed by the candidate which shall be in such form and filed in accordance with §3-8-4 of this code.”

And,

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

Com. Sub. for H. B. 2927 – “A Bill to amend and reenact §3-8-1a and §3-8-9 of the Code of West Virginia, 1931, as amended, relating to campaign finance expenses; adding caregiving services as a defined term; and adding caregiving services as a lawful campaign expense.”

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. 594**), and there were—yeas 80, nays 20, absent and not voting none, with the nays being as follows:

Nays: Barnhart, Barrett, Bridges, Burkhammer, Fast, Foster, Gearheart, Hardy, Horst, D. Jeffries, Jennings, J. Kelly, Kimes, Longanacre, Mazzocchi, J. Pack, Paynter, Reynolds, Smith and Steele.

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. 2927) passed.

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

A message from the Senate, by

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

Com. Sub. for 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.

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

On page three, section twelve, line thirty-nine, after the word “amended”, by changing the period to a colon and adding the following proviso: “*Provided*, That prior to issuing the order, the county commission shall publish the ordinance which must contain the anticipated allocation of any fees or charges and which would be enacted should the referendum succeed as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be the county in which the county fire board is located.”

And,

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

Com. Sub. for H. B. 2953 – “A Bill to amend and reenact §7-17-3 and §7-17-12 of the Code of West Virginia, 1931, as amended, all relating to county fire protection services; clarifying that county commission may contract with fire department of any political subdivision for fire protection services; and modifying existing method for imposing fire service fees to add procedure for a ballot referendum to be used, if desired, instead of utilizing current procedure requiring 10 percent of voters to petition for imposition of such fees.”

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. 595**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Miller.

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. 2953) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2962, Relating generally to dental practice.

On motion of Delegate Summers, the House refused to concur in the following amendment of the bill by the Senate, and requested the Senate to recede therefrom:

On page three, section eight, after line thirty-seven, by inserting a new subsection, designated subsection (d), to read as follows:

“(d) An expedited license to practice dentistry for foreign dental graduates who have completed a one-year dental residency program in this state: *Provided*, That the board shall promulgate emergency and legislative rules, not later than July 1, 2021, related to this expedited licensure.”

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

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. 3002, Update road abandonment process.

On motion of Delegate Kessinger, the House 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:

“ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

§17-2A-8. Powers, duties, and responsibilities of commissioner.

In addition to all other duties, powers, and responsibilities given and assigned to the commissioner in this chapter, the commissioner may:

(1) Exercise general supervision over the state road program and the construction, reconstruction, repair, and maintenance of state roads and highways: *Provided*, That the commissioner shall implement reasonable design techniques intended to minimize damage that may result from recurring floods within the purpose and need of the state road system;

(2) Determine the various methods of road construction best adapted to the various sections and areas of the state and establish standards for the construction and maintenance of roads and highways in the various sections and areas of the state;

(3) Conduct investigations and experiments, hold hearings and public meetings, and attend and participate in meetings and conferences within and without the state for purposes of acquiring information, making findings, and determining courses of action and procedure relative to advancement and improvement of the state road and highway system;

(4) Enter private lands to make inspections and surveys for road and highway purposes;

(5) Acquire, in the name of the ~~department~~ division, by lease, grant, right of eminent domain, or other lawful means all lands and interests and rights in lands necessary and required for roads, rights-of-way, cuts, fills, drains, storage for equipment and materials, and road construction and maintenance in general;

(6) Procure photostatic copies of any or all public records on file at the State Capitol of Virginia which may be considered necessary or proper in ascertaining the location and legal status of public road rights-of-way located or established in what is now the State of West Virginia, which when certified by the commissioner, may be admitted in evidence, in lieu of the original, in any of the courts of this state;

(7) Plan for and hold annually a school of good roads, of not less than three or more than six days' duration, for instruction of his or her employees, which is held in conjunction with West Virginia University and may be held at the university or at any other suitable place in the state;

(8) Negotiate and enter in reciprocal contracts and agreements with proper authorities of other states and of the United States relating to and regulating the use of roads and highways with reference to weights and types of vehicles, registration of vehicles and licensing of operators, military and emergency movements of personnel and supplies, and all other matters of interstate or national interest;

(9) Classify and reclassify, locate, and relocate, expressway, trunkline, feeder, and state local service roads, and designate by number the routes within the state road system;

(10) Create, extend, or establish, upon petition of any interested party or parties or on the commissioner's own initiative, any new road or highway found necessary and proper;

(11) Exercise jurisdiction, control, supervision, and authority over local roads, outside the state road system, to the extent determined by him or her to be expedient and practicable;

(12) Discontinue, vacate, and close any road or highway, or any part of any road or highway, the continuance and maintenance of which are found unnecessary and improper, upon petition and hearing or upon investigation initiated by the commissioner. Any petition, motion, notice, decision, and order related to the discontinuance, vacating, or closing of any road or highway or part thereof shall be posted by the commissioner on the division's website available for review by the public. The division shall make virtual participation available to any person interested in participating in or attending any hearing related to such discontinuance, vacating, or closing;

(13) Close any state road while under construction or repair and provide a temporary road during the time of the construction or repair;

(14) Adjust damages occasioned by construction, reconstruction, or repair of any state road or the establishment of any temporary road;

(15) Establish and maintain a uniform system of road signs and markers;

(16) Fix standard widths for road rights-of-way, bridges, and approaches to bridges and fix and determine grades and elevations therefor;

(17) Test and standardize materials used in road construction and maintenance, either by governmental testing and standardization activities or through contract by private agencies;

(18) Allocate the cost of retaining walls and drainage projects, for the protection of a state road or its right-of-way, to the cost of construction, reconstruction, improvement, or maintenance;

(19) Acquire, establish, construct, maintain, and operate, in the name of the ~~department~~ division, roadside recreational areas along and adjacent to state roads and highways;

(20) Exercise general supervision over the construction and maintenance of airports and landing fields under the jurisdiction of the West Virginia State Aeronautics Commission, of which the commissioner is a member, and make a study and general plan of a statewide system of airports and landing fields;

(21) Provide traffic engineering services to municipalities of the state upon request of the governing body of any municipality and upon terms that are agreeably arranged;

(22) Institute complaints before the Public Service Commission or any other appropriate governmental agency relating to freight rates, car service, and movement of road materials and equipment;

(23) Invoke any appropriate legal or equitable remedies, subject to §17-2A-7 of this code, to enforce his or her orders, to compel compliance with requirements of law, and to protect and preserve the state road and highway system or any part of the system;

(24) Make and promulgate rules for the government and conduct of personnel, for the orderly and efficient administration and supervision of the state road program, and for the effective and expeditious performance and discharge of the duties and responsibilities placed upon him or her by law;

(25) Delegate powers and duties to his or her appointees and employees who shall act by and under his or her direction and be responsible to him or her for their acts;

(26) Designate and define any construction and maintenance districts within the state road system that is found expedient and practicable;

(27) Contract for the construction, improvement, and maintenance of the roads;

(28) Comply with provisions of present and future federal aid statutes and regulations, including execution of contracts or agreements with and cooperation in programs of the United States government and any proper department, bureau, or agency of the United States government relating to plans, surveys, construction, reconstruction, improvement, and maintenance of state roads and highways;

(29) Prepare budget estimates and requests;

(30) Establish a system of accounting covering and including all fiscal and financial matters of the ~~department~~ division;

(31) Establish and advance a right-of-way Acquisition Revolving Fund, a Materials Revolving Fund, and an Equipment Revolving Fund;

(32) Enter into contracts and agreements with and cooperate in programs of counties, municipalities, and other governmental agencies and subdivisions of the state relating to plans, surveys, construction, reconstruction, improvement, maintenance, and supervision of highways, roads, streets, and other travel ways when and to the extent determined by the ~~department~~ division to be expedient and practical;

(33) Report, as provided by law, to the Governor and the Legislature;

(34) Purchase materials, supplies, and equipment required for the state road program and system;

(35) Dispose of all obsolete and unusable and surplus supplies and materials which cannot be used advantageously and beneficially by the ~~department~~ division in the state road program by transfer of the supplies and materials to other governmental agencies and institutions by exchange, trade, or sale of the supplies and materials;

(36) Investigate road conditions, official conduct of ~~department~~ division personnel, and fiscal and financial affairs of the ~~department~~ division and hold hearings and make findings thereon or on any other matters within the jurisdiction of the ~~department~~ division;

(37) Establish road policies and administrative practices;

(38) Fix and revise from time to time tolls for transit over highway projects constructed by the Division of Highways after May 1, 1999, that have been authorized by the provisions of §17-17A-5b of this ~~chapter~~ code;

(39) Take actions necessary to alleviate any conditions as the Governor may declare to constitute an emergency, whether or not the emergency condition affects areas normally under the jurisdiction of the Division of Highways; and

(40) Provide family restrooms at all rest areas along interstate highways in this state, all to be constructed in accordance with federal law.”

And,

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

Com. Sub. for H. B. 3002 - “A Bill to amend and reenact §17-2A-8 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of the Division of Highways to post online certain records related to the discontinuance, vacating, or closing of any road or highway or part thereof; and requiring the Division of Highways to make virtual participation available to any person interested in participating in or attending any hearing related to such discontinuance, vacating, or closing.”

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. 596**), and there were—yeas 77, nays 23, absent and not voting none, with the nays being as follows:

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

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. 3002) passed.

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

A message from the Senate, by

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

H. B. 3078, Relating to powers and duties of the parole board.

On motion of Delegate Kessinger, the House 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:

“ARTICLE 12. PROBATION AND PAROLE.

§62-12-13. Powers and duties of board; eligibility for parole; procedure for granting parole.

(a) The Parole Board, whenever it is of the opinion that the best interests of the state and of the inmate will be served, and subject to the limitations provided in this section, shall release any inmate on parole for terms and upon conditions provided by this article.

(b) Any inmate of a state correctional institution is eligible for parole if he or she:

(1) (A) Has served the minimum term of his or her indeterminate sentence or has served one fourth of his or her definite term sentence, as the case may be; or

(B) He or she has applied for and been accepted by the Commissioner of Corrections and Rehabilitation into an accelerated parole program. To be eligible to participate in an accelerated parole program, the commissioner must determine that the inmate:

(i) Does not have a prior criminal conviction for a felony crime of violence against the person, a felony offense involving the use of a firearm, or a felony offense where the victim was a minor child;

(ii) Is not serving a sentence for a crime of violence against the person, or more than one felony for a controlled substance offense for which the inmate is serving a consecutive sentence, a felony offense involving the use of a firearm, or a felony offense where the victim was a minor child; and

(iii) Has successfully completed a rehabilitation treatment program created with the assistance of a standardized risk and needs assessment.

(C) Notwithstanding any provision of this code to the contrary, any inmate who committed, or attempted to commit, a felony with the use, presentment, or brandishing of a firearm is not eligible for parole prior to serving a minimum of three years of his or her sentence or the maximum sentence imposed by the court, whichever is less: *Provided*, That any inmate who committed, or attempted to commit, any violation of §61-2-12 of this code, with the use, presentment, or brandishing of a firearm, is not eligible for parole prior to serving a minimum of five years of his or her sentence or one third of his or her definite term sentence, whichever is greater. Nothing in this paragraph applies to an accessory before the fact or a principal in the second degree who has been convicted as if he or she were a principal in the first degree if, in the commission of or in the attempted commission of the felony, only the principal in the first degree used, presented, or brandished a firearm. An inmate is not ineligible for parole under the provisions of this paragraph because of the commission or attempted commission of a felony with the use, presentment, or brandishing of a firearm unless that fact is clearly stated and included in the indictment or presentment by which the person was charged and was either: (i) Found guilty by the court at the time of trial upon a plea of guilty or nolo contendere; (ii) found guilty by the jury upon submitting to the jury a special interrogatory for such purpose if the matter was tried before a jury; or (iii) found guilty by the court if the matter was tried by the court without a jury.

(D) The amendments to this subsection adopted in the year 1981:

(i) Apply to all applicable offenses occurring on or after August 1 of that year;

(ii) Apply with respect to the contents of any indictment or presentment returned on or after August 1 of that year irrespective of when the offense occurred;

(iii) Apply with respect to the submission of a special interrogatory to the jury and the finding to be made thereon in any case submitted to the jury on or after August 1 of that year or to the requisite findings of the court upon a plea of guilty or in any case tried without a jury: *Provided*, That the state gives notice in writing of its intent to seek such finding by the jury or court, as the case may be. The notice shall state with particularity the grounds upon which the finding will be sought as fully as the grounds are otherwise required to be stated in an indictment, unless the grounds upon which the finding will be sought are alleged in the indictment or presentment upon which the matter is being tried;

(iv) Does not apply with respect to cases not affected by the amendments and in those cases the prior provisions of this section apply and are construed without reference to the amendments; and

(v) Insofar as the amendments relate to mandatory sentences restricting the eligibility for parole, all matters requiring a mandatory sentence shall be proved beyond a reasonable doubt in all cases tried by the jury or the court.

(E) As used in this section, ‘felony crime of violence against the person’ means felony offenses set forth in §61-2-1 *et seq.*, §61-3E-1 *et seq.*, §61-8B-1 *et seq.*, or §61-8D-1 *et seq.* of this code.

(F) As used in this section, ‘felony offense where the victim was a minor child’ means any felony crime of violence against the person and any felony violation set forth in §61-8-1 *et seq.*, §61-8A-1 *et seq.*, §61-8C-1 *et seq.*, or §61-8D-1 *et seq.* of this code.

(G) For the purpose of this section, the term ‘firearm’ means any instrument which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive, gunpowder, or any other similar means;

(2) Is not in punitive segregation or administrative segregation as a result of disciplinary action;

(3) Has prepared and submitted to the Parole Board a written parole release plan setting forth proposed plans for his or her place of residence, employment and, if appropriate, his or her plans

regarding education and post-release counseling and treatment which has been approved by the Division of Corrections and Rehabilitation: *Provided*, That an inmate's application for parole may be considered by the board without the prior submission of a home plan, but the inmate shall have a home plan approved by the division prior to his or her release on parole. The Commissioner of the Division of Corrections and Rehabilitation, or his or her designee, shall review and investigate the plan and provide findings to the board as to the suitability of the plan: *Provided, however*, That in cases in which there is a mandatory 30-day notification period required prior to the release of the inmate, pursuant to §62-12-23 of this code, the board may conduct an initial interview and deny parole without requiring the development of a plan. In the event the board believes parole should be granted, it may defer a final decision pending completion of an investigation and receipt of the commissioner's findings. Upon receipt of the plan, together with the investigation and findings, the board, through a panel, shall make a final decision regarding the granting or denial of parole; ~~and~~

(4) Has satisfied the board that if released on parole he or she will not constitute a danger to the community; and

(5) Has successfully completed any individually required rehabilitative and educational programs, as determined by the division, while incarcerated: *Provided*, That, effective September 1, 2021, any inmate who satisfies all other parole eligibility requirements but is unable, through no fault of the inmate, to complete his or her required rehabilitative and educational programs while incarcerated, which are eligible to be taken while on parole, may be granted parole with the completion of such specified programs outside of the correctional institutions being a special condition of that person's parole term: *Provided, however*, That the Parole Board may consider whether completion of the inmate's outstanding amount of such programming would interfere with his or her successful reintegration into society.

(c) Except in the case of an inmate serving a life sentence, a person who has been previously twice convicted of a felony may not be released on parole until he or she has served the minimum

term provided by law for the crime for which he or she was convicted. An inmate sentenced for life may not be paroled until he or she has served 10 years, and an inmate sentenced for life who has been previously twice convicted of a felony may not be paroled until he or she has served 15 years: *Provided*, That an inmate convicted of first degree murder for an offense committed on or after June 10, 1994, is not eligible for parole until he or she has served 15 years.

(d) In the case of an inmate sentenced to a state correctional facility regardless of the inmate's place of detention or incarceration, the Parole Board, as soon as that inmate becomes eligible, shall consider the advisability of his or her release on parole.

(e) If, upon consideration, parole is denied, the board shall promptly notify the inmate of the denial. The board shall, at the time of denial, notify the inmate of the month and year he or she may apply for reconsideration and review. The board shall at least once a year reconsider and review the case of every inmate who was denied parole and who is still eligible: *Provided*, That the board may reconsider and review parole eligibility any time within three years following the denial of parole of an inmate serving a life sentence with the possibility of parole.

(f) Any inmate in the custody of the commissioner for service of a sentence who reaches parole eligibility is entitled to a timely parole hearing without regard to the location in which he or she is housed.

(g) The board shall, with the approval of the Governor, adopt rules governing the procedure in the granting of parole. No provision of this article and none of the rules adopted under this article are intended or may be construed to contravene, limit, or otherwise interfere with or affect the authority of the Governor to grant pardons and reprieves, commute sentences, remit fines, or otherwise exercise his or her constitutional powers of executive clemency.

(h) (1) The Division of Corrections and Rehabilitation shall promulgate policies and procedures for developing a rehabilitation treatment plan created with the assistance of a standardized risk and needs assessment. The policies and procedures shall provide for, at a minimum, screening and selecting inmates for rehabilitation treatment and development, using standardized risk and needs assessment and substance abuse assessment tools, and prioritizing the use of residential substance abuse treatment resources based on the results of the standardized risk and needs assessment and a substance abuse assessment. The results of all standardized risk and needs assessments and substance abuse assessments are confidential.

(2) An inmate shall not be paroled under paragraph (B), subdivision (1), subsection (b) of this section solely due to having successfully completed a rehabilitation treatment plan, but completion of all the requirements of a rehabilitation treatment plan along with compliance with the requirements of subsection (b) of this section creates a rebuttable presumption that parole is appropriate. The presumption created by this subdivision may be rebutted by a Parole Board finding that, according to the standardized risk and needs assessment, at the time parole release is sought the inmate still constitutes a reasonable risk to the safety or property of other persons if released. Nothing in subsection (b) of this section or in this subsection may be construed to create a right to parole.

(i) Notwithstanding the provisions of subsection (b) of this section, the Parole Board may grant or deny parole to an inmate against whom a detainer is lodged by a jurisdiction other than West Virginia for service of a sentence of incarceration, upon a written request for parole from the inmate. A denial of parole under this subsection precludes consideration for parole for a period of one year or until the provisions of subsection (b) of this section are applicable.

(j) If an inmate is otherwise eligible for parole pursuant to subsection (b) of this section, and has completed the rehabilitation treatment program required under subdivision (1), subsection (h) of this section, the Parole Board may not require the inmate to

participate in an additional program, but may determine that the inmate must complete an assigned task or tasks prior to actual release on parole. The board may grant parole contingently, effective upon successful completion of the assigned task or tasks, without the need for a further hearing.

(k) (1) The Division of Corrections and Rehabilitation shall supervise all probationers and parolees whose supervision may have been undertaken by this state by reason of any interstate compact entered into pursuant to the Uniform Act for Out-of-State Parolee Supervision.

(2) The Division of Corrections and Rehabilitation shall provide supervision, treatment/recovery, and support services for all persons released to mandatory supervision under §15A-4-17 of this code.

(l) (1) When considering an inmate of a state correctional facility for release on parole, the Parole Board panel considering the parole shall have before it an authentic copy of, or report on, the inmate's current criminal record as provided through the West Virginia State Police, the United States Department of Justice, or any other reliable criminal information sources and written reports of the superintendent of the state correctional institution to which the inmate is sentenced:

(A) On the inmate's conduct record while in custody, including a detailed statement showing any and all infractions of disciplinary rules by the inmate and the nature and extent of discipline administered for the infractions;

(B) On the inmate's industrial record while in custody which shall include: The nature of his or her work, occupation or education, the average number of hours per day he or she has been employed or in class while in custody and a recommendation as to the nature and kinds of employment which he or she is best fitted to perform and in which the inmate is most likely to succeed when he or she leaves the state correctional institution; and

(C) On any physical, mental, psychological, or psychiatric examinations of the inmate.

(2) The Parole Board panel considering the parole may waive the requirement of any report when not available or not applicable as to any inmate considered for parole but, in every case, shall enter in its record its reason for the waiver: *Provided*, That in the case of an inmate who is incarcerated because the inmate has been found guilty of, or has pleaded guilty to, a felony under the provisions of §61-8-12 of this code or under the provisions of §61-8B-1 *et seq.* or §61-8C-1 *et seq.* of this code, the Parole Board panel may not waive the report required by this subsection. The report shall include a study and diagnosis of the inmate, including an on-going treatment plan requiring active participation in sexual abuse counseling at an approved mental health facility or through some other approved program: *Provided, however*, That nothing disclosed by the inmate during the study or diagnosis may be made available to any law-enforcement agency, or other party without that inmate's consent, or admissible in any court of this state, unless the information disclosed indicates the intention or plans of the parolee to do harm to any person, animal, institution, or to property. Progress reports of outpatient treatment are to be made at least every six months to the parole officer supervising the parolee. In addition, in such cases, the Parole Board shall inform the prosecuting attorney of the county in which the person was convicted of the parole hearing and shall request that the prosecuting attorney inform the Parole Board of the circumstances surrounding a conviction or plea of guilty, plea bargaining, and other background information that might be useful in its deliberations.

(m) Before releasing any inmate on parole, the Parole Board shall arrange for the inmate to appear in person before a Parole Board panel and the panel may examine and interrogate him or her on any matters pertaining to his or her parole, including reports before the Parole Board made pursuant to the provisions of this section: *Provided*, That an inmate may appear by video teleconference if the members of the Parole Board panel conducting the examination are able to contemporaneously see the

inmate and hear all of his or her remarks and if the inmate is able to contemporaneously see each of the members of the panel conducting the examination and hear all of the members' remarks: *Provided, however,* That the requirement that an inmate personally appear may be waived where a physician authorized to do so by the Commissioner of the Division of Corrections and Rehabilitation certifies that the inmate, due to a medical condition or disease, is too debilitated, either physically or cognitively, to appear. The panel shall reach its own written conclusions as to the desirability of releasing the inmate on parole and the majority of the panel considering the release must concur in the decision. The superintendent shall furnish all necessary assistance and cooperate to the fullest extent with the Parole Board. All information, records, and reports received by the Parole Board shall be kept on permanent file.

(n) The Parole Board and its designated agents are at all times to have access to inmates imprisoned in any state correctional facility or in any jail in this state and may obtain any information or aid necessary to the performance of its duties from other departments and agencies of the state or from any political subdivision of the state.

(o) The Parole Board shall, if requested by the Governor, investigate and consider all applications for pardon, reprieve, or commutation and shall make recommendation on the applications to the Governor.

(p) Prior to making a recommendation for pardon, reprieve or commutation, the board shall notify the sentencing judge and prosecuting attorney at least 10 days before the recommendation.

(q) A parolee shall participate as a condition of parole in the litter control program of the county to which he or she is released to the extent directed by the Parole Board, unless the board specifically finds that this alternative service would be inappropriate.

(r) The commissioner shall develop, maintain, and make publicly available a general list of rehabilitative and educational

programs available outside of the correctional institutions which an inmate may be required to complete as a special condition of parole pursuant to subdivision (5) of subsection (b) of this section, and the manner and method in which such programs shall be completed by the parolee.”

And,

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

H. B. 3078 – “A Bill to amend and reenact §62-12-13 of the Code of West Virginia, 1931, as amended, relating to the powers and duties of the parole board; providing as a new parole eligibility requirement the successful completion of certain rehabilitative and educational programs during incarceration; providing that an inmate who is unable, through no fault of the inmate, to complete the required rehabilitative and educational programs, but who has completed all other parole eligibility requirements, may be granted parole under certain conditions; authorizing completion of specified rehabilitative and educational programs outside of a correctional institution as a special condition of a person’s parole term; authorizing the Parole Board to consider whether completion of the outstanding amount of rehabilitative and educational programming would interfere with an inmate’s successful reintegration into society; and requiring the Commissioner of Corrections and Rehabilitation to develop, maintain, and make publicly available a list of certain rehabilitative and educational programs outside of the correctional institution which an inmate may be required to complete as a special condition of parole, and the manner and method for an inmate to complete such programs.”

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. 597**), and there were—yeas 90, nays 10, absent and not voting none, with the nays being as follows:

Nays: Burkhammer, Jennings, Kimes, Lovejoy, Martin, McGeehan, J. Pack, Pinson, Steele and Zukoff.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3078) passed.

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

A message from the Senate, by

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

H. B. 3129, Relating to the Consumer Price Index rate increase.

On motion of Delegate Kessinger, the House concurred in the following Senate title amendment:

H. B. 3129 – “A Bill to amend §24A-5-2a of the Code of West Virginia, 1931, as amended; relating to how the federal index rate increase percentage is calculated regarding solid waste motor carrier rate increases; requiring revised tariff showing rate increase be filed; requiring appropriate notice be provided; allowing covered carriers to correct excessive requested rates in lieu of administrative hearing; and providing when such increases become effective in each instance.”

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. 598**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: J. Kelly.

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

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

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:

H. B. 3130, Relating to elimination of sunset provisions concerning towing rates.

On motion of Delegate Kessinger, the House 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:

“ARTICLE 2. COMMON CARRIERS BY MOTOR VEHICLES.

§24A-2-2b. Rule-making authority; establishing rates for recovering, towing, hauling, carrying, or storing wrecked or disabled vehicles; complaint process; and required Legislative Audit.

(a) On or before July 1, 2016, the Commission shall promulgate rules to effectuate the provisions of this article.

(b) The rules promulgated pursuant to the provisions of this section shall describe:

(1) Factors determining the fair, effective, and reasonable rates levied by a carrier for recovering, towing, hauling, carrying, or storing a wrecked or disabled vehicle. The commission shall consider, but shall not be limited to:

(A) Tow ~~vehicle(s)~~ vehicle or vehicles and the special equipment required to complete ~~recovery/tow~~ recovery or tow;

(B) Total time to complete the recovery or tow;

(C) Number of regular and extra employees required to complete the recovery or tow;

(D) Location of vehicle recovered or towed;

- (E) Materials or cargo involved in recovery or tow;
- (F) Comparison with reasonable prices in the region;
- (G) Weather conditions; and

(H) Any other relevant information having a direct effect on the pricing of the recovery, towing, and storage of a recovered or towed vehicle;

(2) The process for filing a complaint, and the review and investigation process to ensure it is fair, effective, and timely: *Provided*, That in any formal complaint against a carrier relating to a third-party tow, the burden of proof to show that the carrier's charges are just, fair, and reasonable ~~shall be upon~~ is on the carrier;

(3) The process for aggrieved parties to recover the cost, from the carrier, for the charge or charges levied by a carrier for recovering, towing, hauling, carrying, or storing a wrecked or disabled vehicle where the commission determines that such charge or charges are not otherwise just, fair, or reasonable; and

(4) The process to review existing maximum statewide wrecker rates and special rates for the use of special equipment in towing and recovery work to ensure that rates are just, fair, and reasonable: *Provided*, That the commission shall generally disapprove hourly and flat rates for ancillary equipment.

(c) All carriers regulated under this article shall list their approved rates, fares, and charges on every invoice provided to an owner, operator, or insurer of a wrecker or disabled motor vehicle.

(d) The rules promulgated pursuant to this ~~article~~ section shall sunset on July 1, ~~2024~~ 2023, unless reauthorized.

(e) On or before December 31, ~~2020~~ 2022, the Legislative Auditor shall review the rules promulgated by the Public Service Commission under this section. The audit shall evaluate the rate-making policy for reasonableness, the complaint process for timeliness, the penalties for effectiveness, and any other metrics the Legislative Auditor deems appropriate. The Legislative Auditor

may recommend that the rule be reauthorized, reauthorized with amendment, or repealed.”

And,

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

H. B. 3130 – “A Bill to amend §24A-2-2b of the Code of West Virginia, 1931, as amended, relating to rulemaking by the Public Service Commission with respect to common carriers by motor vehicle engaged in recovering, towing, hauling, carrying, or storing wrecked or disabled vehicles; extending sunset date for such rules to July 1, 2023; and extending deadline for audit of such rules by Legislative Auditor to December 31, 2022.”

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. 599**), and there were—yeas 69, nays 31, absent and not voting none, with the nays being as follows:

Nays: Barach, Boggs, Brown, Diserio, Doyle, Evans, Fast, Fleischauer, Fluharty, Garcia, Gearheart, Griffith, Hanna, Hansen, Holstein, Hornbuckle, Kimes, Lovejoy, Martin, Miller, Phillips, Pushkin, Reynolds, Rowe, Skaff, Thompson, Walker, G. Ward, Williams, Young and Zukoff.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3130) passed.

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

A message from the Senate, by

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

H. B. 3133, Relating to motor carrier rates.

On motion of Delegate Kessinger, the House concurred in the following Senate title amendment:

H. B. 3133 – “A Bill to amend and reenact §24A-2-5 of the Code of West Virginia, 1931, as amended, and to amend and reenact §24A-5-2 of said Code; all relating to correcting error in commercial motor carrier provisions of said code; restoring language to code setting forth the process to change rates for motor carriers that was inadvertently deleted and replaced; and to correct an erroneous exclusion to include the appropriate language relating to transfer of certificate of convenience and necessity.”

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. 600**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Paynter.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3133) passed.

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

A message from the Senate, by

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

H. B. 3177, Removing expired, outdated, inoperative and antiquated provisions and report requirements in education.

On motion of Delegate Kessinger, the House refused to concur in the following amendment of the bill by the Senate, and requested the Senate to recede therefrom:

On page sixteen, by striking out all of section seventeen and inserting in lieu thereof a new section seventeen, to read as follows:

“§18-9B-17. Duties of county board and county superintendent.

A county board of education and a county superintendent shall comply with the instructions of the ~~state board of finance~~ State Board of Education and state superintendent and shall perform the duties required of them in accordance with the provisions of this article.;

On page sixteen, by striking out all of section eighteen and inserting in lieu thereof a new section eighteen, to read as follows:

§18-9B-18. Issuance and enforcement of orders.

The ~~board of finance~~ state superintendent shall enforce the requirements of and ~~its~~ his or her regulations issued under this article. The ~~board~~ state superintendent may issue orders to county boards of education requiring specific compliance with ~~its~~ his or her instructions. If a county board fails or refuses to comply, the ~~board~~ state superintendent may proceed to enforce ~~its~~ his or her order by any appropriate remedy, including, but not limited to, initiating legal action in any court of competent jurisdiction.”

And,

On page seventeen, by striking out all of section nineteen and inserting in lieu thereof a new section nineteen, to read as follows:

“§18-9B-19. Withholding of state aid for noncompliance by county board.

(a) The ~~board of finance~~ state superintendent may withhold payment of state aid from a county board that fails or refuses to comply with the provisions of this ~~article~~ code or the requirements of the state ~~board~~ superintendent. ~~made in accordance therewith~~

(b) If the state superintendent finds that the action of a county board or county superintendent does not comply with state law or state board policy, and that the noncompliance could adversely impact the delivery of a thorough and equitable education to all students in the county, the state superintendent may require the following action during the periods of noncompliance:

(1) Approval of meeting agendas by the state superintendent;

(2) Attendance by the state superintendent or designee at county board meetings; and

(3) Approval by the state superintendent of county-level expenditures.

(c) The state superintendent shall report any action of enforcement against a county board pursuant to this section or any other provision of law to the state board at its next meeting.”

And,

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

H. B. 3177 – “A Bill to repeal §18-2-5d, §18-2-13b, §18-2-24, §18-2-29, and §18-2-35 of the Code of West Virginia, 1931, as amended; to repeal §18-2E-4a of said code; to repeal §18-3-9b of said code; to repeal §18-4-12 of said code; to repeal §18-5-18e, and §18-5-43 of said code; to repeal §18-7A-36 of said code; to repeal §18-9A-8a of said code; to repeal §18-9B-11a of said code; to repeal §18-10H-4 of said code; to amend and reenact §18-9A-6a, §18-9A-7, and §18-9A-16 of said code; and to amend and reenact §18-9B-1, §18-9B-2, §18-9B-3, §18-9B-4, §18-9B-5, §18-9B-6, §18-9B-6a, §18-9B-7, §18-9B-8, §18-9B-9, §18-9B-10, §18-9B-12, §18-9B-13, §18-9B-14, §18-9B-15, §18-9B-17, §18-9B-18, §18-9B-19, §18-9B-20 and §18-9B-21 of said code, all relating to removing expired, outdated, inoperative and antiquated provisions and report requirements in education code; updating references; repealing expired report requirement related to productive and safe schools; repealing authorization of state board respecting use of revenues from dormitories, home or refectories; repealing outdated structure for collaboration on professional development delivery among state universities, regional education service agencies and center for professional development; repealing unused competitive grant program for selected schools and school districts; repealing unused requirement for state board rule on school uniforms for students; repealing outdated exception to mailing school report cards; repealing outdated mandated reduction in budgeted amount for personal services in certain fiscal year; repealing outdated

exception for county board meeting related to fixing salaries of county superintendent; repealing expired study and report on pupils per teacher; repealing expired report requirement relating to county-wide council on productive and safe schools; repealing expired report requirement relating to joint study of retirement systems; removing reference to repealed allocation to teachers retirement fund; removing expired provisions related to additional funding bus system using bio-diesel alternative fuel; repealing expired allowance for regional education service agencies; replacing reference to state board of school finance with state superintendent; removing expired provision prohibiting salary reduction of certain persons due to passage of school finance article; correcting references to tax commissioner for functions previously transferred to state auditor; deleting outdated references to employment term and instructional term; and removing outdated provisions creating state board of school finance and requiring state superintendent to exercise powers and perform duties; repealing outdated authorization for adjustments to average daily attendance; requiring county boards of education and county superintendents to comply with the instructions of the State Board of Education and state superintendent; expanding remedies that may be used to enforce certain orders of the state superintendent when a county board of education fails or refuses to comply; expanding circumstances under which the state superintendent can withhold payment of state aid from a county board; allowing, under certain circumstances of noncompliance with state law or State Board of Education policy, the state superintendent to require certain actions during the periods of noncompliance; requiring the state superintendent to report certain actions of enforcement against county board to the State Board of Education at its next meeting; and repealing mandate for establishment of certain interdisciplinary doctoral program.”

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

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:

H. B. 3299, Authorizing Higher Education Rules.

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

On page seven, section two, lines one hundred seventy through one hundred seventy-four, by striking out all of subsection (II) and inserting in lieu thereof a new subsection (II), to read as follows:

(II) The legislative rule filed in the State Register on July 29, 2020, relating to the Higher Education Policy Commission (Mental Health Loan Repayment Program) is authorized, with the following amendments:

On page one, subdivision, 3.1.b., after the words “family therapist,” by inserting the words “psychiatric mental health nurse practitioner,”;

On page two, subsection 6.1, by striking out the words “at least” and inserting in lieu thereof the words “up to”; and

On page three, subsection 9.1, after the words “family therapists,” by inserting the words “psychiatric mental health nurse practitioners,”.

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. 601**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: Hanna, Miller, Paynter and Pinson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3299) 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 adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

S. C. R. 41 - “Requesting the Joint committee on Government and Finance study the legal process for the collection and enforcement of delinquent taxes and lands.”

Whereas, The existing process for collecting and enforcing delinquent taxes set forth in chapter 11A of the Code of West Virginia, 1931, as amended, is complicated and results in a lengthy system of placing delinquent lands on the books for counties and the state; and

Whereas, Many properties sit idle, creating public health and safety hazards, which burden then falls to the counties and cities to remedy pursuant to the State Building Code and/or unsafe building commissions for the local governments; and

Whereas, The usability and development of these properties are further encumbered by the mounting fees, penalties, and interest incurred by the existing taxation collection process which makes them financially undesirable; and

Whereas, There is a desire of the Legislature to expedite and streamline the process of collection to benefit the revenues of the local governments, while simultaneously addressing the public health hazards of dilapidated properties and increasing the marketability of these delinquent lands; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the legal process for the collection and enforcement of delinquent taxes and lands; and, be it

Further Resolved, That the Joint Committee on Government and Finance study the existing statutory process concerning: (1) The efficacy of collection and enforcement of delinquent taxes and

lands; (2) the interplay of the collection and enforcement systems on the land use and potential economic development capabilities; (3) the burdens placed on local governments by the existing processes for addressing unsafe and dilapidated properties; and (4) the feasibility of streamlining these processes to address the concerns of the Legislature and the local governments of this state; and, be it

Further Resolved, That the Joint Committee and Government and Finance shall seek the input and advice to conduct the study from the: (1) State Auditor; (2) Secretary of Commerce; (3) Secretary of Economic Development; (4) State Fire Marshal; (5) West Virginia Association of Counties; (6) West Virginia Municipal League; and (7) West Virginia University College of Law - Land Use and Sustainable Development Law Clinic; and, be it

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

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

S. C. R. 49 - “Requesting the Joint Committee on Government and Finance study the development and expansion of municipal recycling programs, including review of the current status of programs within West Virginia, an examination of best practices from surrounding states, and waste stream economics for municipalities and local communities.”

Whereas, Waste recycling programs provide substantial benefits for local communities and for our nation as a whole, including reduction of the amount of waste sent to landfills and incinerators, support for American manufacturing and conservation of valuable resources, increased economic security by tapping domestic sources of materials, prevents pollution by reducing the need to collect new raw materials, increased energy savings, creation of jobs in the recycling and manufacturing industries in the United States, and conservation of precious natural resources such as timber, water, and minerals; and

Whereas, There is a great disparity across this state in the availability of local recycling programs for household and small business wastes and the types of wastes that these programs can process; and

Whereas, Many local recycling programs have been forced to close or reduce services because of the costs of sorting materials and a depressed market for recyclable wastes; and

Whereas, Public participation in local recycling programs can help reduce costs and foster the benefits of recycling programs; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the development and expansion of municipal recycling programs, including review of the current status of programs within West Virginia, an examination of best practices from surrounding states, and waste stream economics for municipalities and local communities; and, be it

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

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid

from legislative appropriations to the Joint Committee on Government and Finance.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

S. C. R. 57 - “Requesting the Joint Committee on Government and Finance study electronic database publication of legal notices in lieu of newspaper publication.”

Whereas, Electronic publication of legal notices and advertisements is efficient, cost-effective, and will likely save significant money for the State of West Virginia, its agencies, and its political subdivisions; and

Whereas, A substantial number of West Virginians lack broadband Internet service; and

Whereas, The inability to access electronic legal notices and advertisements may result in adverse legal consequences to West Virginia citizens; and

Whereas, Discontinuing print publication of legal notices and advertisements will result in significant loss of revenues for newspapers across the state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study electronic database publication of legal notices in lieu of newspaper publication; and, be it

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

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

S. C. R. 60 - "Requesting the Interim Committee on Veterans' Affairs and the Department of Veterans Assistance study the merit of establishing a comprehensive program for suicide prevention among veterans and active members of the armed forces, the National Guard, and reserve components and any other veterans issues it considers appropriate."

Whereas, Suicide is the 10th leading cause of death in the United States; and

Whereas, According to numerous studies, veterans face a disproportionate risk of suicide when compared to the general population; and

Whereas, According to the most recent data from the United States Department of Veterans Affairs and the United States Department of Defense, an average of nearly 20 veterans and active members of the armed forces die by suicide each day; and

Whereas, Many of the wounds sustained through armed service to the United States may be invisible, but those wounds are still treatable if those bearing them are connected to the proper resources; and

Whereas, The risk of suicide can be reduced through awareness, educational efforts, adequate resources, and treatment, as well as through the promotion of preventative factors that can offset the risks of suicide, such as positive coping skills, feeling connected to others, especially veterans, and access to mental health care; and

Whereas, The startlingly high rate of veteran suicide is a national health concern that affects us all, and it is our collective responsibility to address this issue; and

Whereas, It is imperative that our state and nation unite to recognize the issues of post-traumatic stress disorder, anxiety, depression, and difficulty readjusting to civilian life, in general, that, tragically, too often lead to a veteran contemplating or committing suicide; and

Whereas, It is the responsibility of a grateful nation to continue to care for those who have served in the armed forces by bringing awareness to this issue and removing the stigma surrounding it; therefore, be it

Resolved by the Legislature of West Virginia:

That the Interim Committee on Veterans' Affairs and the Department of Veterans Assistance is hereby requested to study the issue of establishing a comprehensive program for suicide prevention among veterans and active members of the armed forces, the National Guard, and reserve components and any other veterans issues it considers appropriate; and, be it

Further Resolved, That the study shall seek to determine the scope of this program, the resources which shall be necessary for its establishment and operation, and identify the national, state, local, and private entities which may be necessary in order to effectively address this issue; and, be it

Further Resolved, That the study shall also seek to determine what resources are available from the United States Department of Veterans Affairs, the United States Department of Defense, and any other federal department of program to assist with the policy goals of this program and how to best maximize those resources in coordination with the program to be established by the Department of Veterans Assistance; and, be it

Further Resolved, That the Department of Veterans Assistance report to the regular session of the Legislature, 2022, on its findings, conclusions, and recommendations, together with drafts

of any legislation necessary to effectuate its recommendations; and, be it

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

S. C. R. 66 - "Requesting the Joint Committee on Government and Finance and the Legislative Oversight Commission on Department of Transportation Accountability study existing and potential income sources for the State Road Fund."

Whereas, The West Virginia State Road Fund is the primary mechanism for collecting and distributing highway and maintenance funds in West Virginia; and

Whereas, The West Virginia Blue Ribbon Commission on Highways noted in its Final Report in 2015 that State Road Fund revenues have not kept pace with inflation, and traditional highway funding mechanisms are insufficient to maintain current state infrastructure; and

Whereas, The motor fuel excise tax has provided the bulk of transportation revenues for the West Virginia Division of Highways; and

Whereas, Based on recent announcements, including the U.S. President's January 27, 2021 Executive Order on Tackling the Climate Crisis at Home and Abroad, which announced the development of a plan to achieve or facilitate clean and zero-emission vehicles for federal, state, local, and Tribal government fleets, the number of alternative fuel vehicles on West Virginia roads will increase, thereby reducing the use of motor fuel and motor fuel excise taxes; and

Whereas, The Federal Highway Administration in July 2017 reported that highway construction costs nationwide grew by an estimated 68 percent over the last 13 years, and that key highway components, as measured by the Bureau of Labor Statistics, like asphalt, concrete, and metal, grew at 107 percent, 61 percent, and 45 percent, respectively between 2003 and 2016; and

Whereas, The National Highway Construction Cost Index has shown further cost increases since 2016, amplifying the need for additional funding for the State Road Fund; and

Whereas, It is imperative that West Virginia's transportation infrastructure be improved and maintained; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance and the Legislative Oversight Commission on Department of Transportation Accountability are hereby requested to study existing and potential income sources for the State Road Fund; and, be it

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

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

S. C. R. 67 - "Requesting the Joint Committee on Government and Finance and the Legislative Oversight Commission on

Department of Transportation Accountability study criteria for honorary infrastructure naming resolutions.”

Whereas, The West Virginia Division of Highways reports that the West Virginia Legislature has adopted between 40 and 95 honorary naming resolutions each regular legislative session during the last ten years, totaling approximately 700 resolutions; and

Whereas, The Division of Highways further reports that each naming resolution costs \$700 on average for sign fabrication and installation, a cost that neither includes the time spent by division employees when assisting with the process of gathering data for such resolutions, nor the time spent by legislative staff tasked with drafting, reviewing, researching, proofing, and processing such naming resolutions; and

Whereas, The West Virginia Legislature, especially the Senate Committee on Transportation and Infrastructure and its staff, spends numerous hours per legislative session working on these resolutions, sometimes at the expense of bills; and

Whereas, The Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) places restrictions on the placement and design of signs and sign content, and violation of the MUTCD could result in the loss of federal funding to the State of West Virginia; and

Whereas, Naming resolutions frequently put the West Virginia Division of Highways in the unenviable position of violating legal directives, such as the Governor’s Executive Order No. 2-12, when fulfilling the resolution’s request for a particular name honoring a military veteran; and

Whereas, The Legislature commonly adopts road naming resolutions that direct naming signs be placed on roads already named by counties, roads for which West Virginia Code §7-1-3 provides county commissions, in cooperation with local postal authorities, the Division of Highways, and the directors of county

emergency communications centers, jurisdiction to name or rename; and

Whereas, Placing contradictory naming signs on the same road may create confusion and delay emergency response times; and

Whereas, West Virginia, like other nearby states with similar infrastructure naming programs, should develop a process, requirements, and criteria that must be met before honorees are considered for an infrastructure naming; and

Whereas, It is in the state's best interest that the time, money, and resources of the Division of Highways and the Legislature be used responsibly in a way that best benefits the state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance and the Legislative Oversight Commission on Department of Transportation Accountability are hereby requested to study criteria for honorary infrastructure naming resolutions; and, be it

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

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

S. C. R. 68 - “Requesting the Joint Committee on Government and Finance study paid family leave for state employees and employees of county boards of education.”

Whereas, The Parental Leave Act currently provides unpaid family leave of up to 12 weeks for employees of the state and county boards of education in certain circumstances; and

Whereas, There is bipartisan support to provide paid family leave of up to 12 weeks pursuant to the Parental Leave Act under certain circumstances; and

Whereas, Providing paid family leave will likely improve state and county boards of education employee hiring and retention; and

Whereas, The State of West Virginia and county boards of education will incur significant costs to provide paid family leave; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study paid family leave for state employees and employees of county boards of education; and, be it

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

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

S. C. R. 69 - "Requesting the Department of Economic Development, in collaboration and consultation with the State Department of Commerce, the State Department of Tourism, and the State Department of Transportation, study, develop, and present a plan to promote adventure travel throughout the state."

Whereas, Adventure travel is enjoying an ever-increasing popularity in West Virginia; and

Whereas, Adventure travel includes both motorized recreation and motorized off-highway access to nonmotorized recreation activities; and

Whereas, The indiscriminate and uncontrolled use of those vehicles may have a deleterious impact on the environment, wildlife habitats, sensitive areas, native wildlife, and native flora; and

Whereas, The Legislature hereby declares that effectively managed areas and adequate facilities for the use of off-highway vehicles, conservation, and enforcement are essential for ecologically balanced recreation; and

Whereas, Existing adventure travel recreational areas, facilities, and opportunities should be expanded and managed in a manner consistent with this article, with particular focus on maintaining sustained, long-term use; and

Whereas, New adventure travel recreational areas, facilities, and opportunities should be provided and managed pursuant to this article in a manner that will conscientiously sustain long-term use; and

Whereas, The Department of Commerce should support both motorized adventure travel recreation and motorized off-highway access to nonmotorized recreation; and

Whereas, When an area or trail or portion thereof cannot be maintained to appropriate established standards for sustained long-term use, it should be closed to use and brought back into compliance with those standards. Those areas should remain closed

until they can be managed within soil conservation and wildlife protection standards and, if these standards cannot be met, those areas should, at a minimum, be restored to the condition prior to the use of the area, trail, or portion designated for vehicular recreation; and

Whereas, Adventure travel motor vehicle recreation should be managed through financial assistance to local governments and joint undertakings with agencies of the United States; therefore, be it

Resolved by the Legislature of West Virginia:

That the Department of Economic Development, in collaboration and consultation with the State Department of Commerce, the State Department of Tourism, and the State Department of Transportation, is hereby requested to develop and present a plan to promote adventure travel throughout the state; and, be it

Further Resolved, That this plan shall include, but not be limited to, programs to encourage federal funding of adventure travel initiatives; and, be it

Further Resolved, That the plan shall consider the following areas:

- (1) Limiting liability of railroad companies which allow unused rail lines to be used for tourism or the public good;
- (2) Creation of the Office of Adventure Travel Recreation;
- (3) Earmarking a portion of the State Road Fund to benefit adventure travel recreation;
- (4) Updating the Division of Highways road abandonment and discontinuance rules and procedures;
- (5) Mapping all roads in state forests, state parks, national forests, and national parks which are state roads;

- (6) Updating the Division of Highways reporting mechanism for illegal gates and other public road blockages;
- (7) Authorization of the Division of Natural Resources to make rules consistent with federal outfitter and guide operating guidelines, and to require training and permitting for outfitters offering jeep tour services;
- (8) Creation of wildlife viewing stamps which allow public access to normally inaccessible state roads during certain times of year;
- (9) Creation of dispersed camping stamps which allow public access to normally inaccessible state property during certain times of year; and
- (10) Creation of an Adopt-A-Trail program which would allow volunteer organizations to participate in trail beautification in the state; and, be it

Further Resolved, That the Department Economic Development report to the regular session of the Legislature, 2022, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

S. C. R. 70 - “Requesting the Joint Committee on Government and Finance to study and examine the population of children experiencing homelessness, as defined by McKinney-Vento

Homeless Assistance Act, and the services provided to those children.”

Whereas, “Children experiencing homelessness” is defined as a child who lacks a fixed, regular, and adequate nighttime residence. In accordance with McKinney-Vento Homeless Assistance Act, as amended by the Every Student Success Act, a child experiencing homelessness includes children: (i) Who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or awaiting foster care placement; (ii) children who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; (iii) children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; (iv) migratory children; and (v) children not in the physical custody of a parent or guardian; and

Whereas, Children experiencing homelessness are at greater risk of entering the child welfare system or juvenile justice system; being victims of sex trafficking; suffering from mental health and behavioral health issues; and experiencing significant disruptions in their education; and

Whereas, Both the West Virginia Department of Education and West Virginia Department of Health and Human Resources provide services to this vulnerable population, which are funded by both state and federal funds; and

Whereas, Coordinating the services provided by the West Virginia Department of Education and West Virginia Department of Health and Human Resources will ensure that all children experiencing homelessness will be served and will expose any gaps or barriers in providing such services, if any; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study and examine the population of children experiencing homelessness, as defined by McKinney-Vento Homeless Assistance Act, and the services provided to those children; and, be it

Further Resolved, That the examination at least include requesting a joint report from the West Virginia Department of Health and Human Resources and the West Virginia Department of Education on potential methods of ensuring that all county boards of education are using the correct definition of children experiencing homelessness when identifying these children; the services provided to homeless children by the West Virginia Department of Health and Human Resources and West Virginia Department of Education; any identified service gaps or barriers; and any recommendations for statutory changes needed to overcome the service gaps or barriers, if necessary; and, be it

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

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

S. C. R. 72 - "Requesting the Joint Committee on Government and Finance study the possible programs and procedures which can be implemented by county boards of education to facilitate summer and non-school-day feeding programs to prevent child food insecurity."

Whereas, More than 5,300,000 children nationally and one in five children in West Virginia live in a household that is food insecure; and

Whereas, Over 65 percent of school-aged children in West Virginia qualify for free or reduced-price meals; and

Whereas, Inadequate access to food places children at risk for health problems, obesity, nutrient deficiencies, and difficulties with learning and discipline; and

Whereas, Food insecurity for children continues when they are not in school, such as after school, snow days, during summer vacation, or extended breaks; and

Whereas, Innovative ideas and partnerships between county boards of education and other organizations are vital to ensure that children have access to nutritious, healthy, and sufficient food in and out of school; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the possible programs and procedures which can be implemented by county boards of education to facilitate summer and non-school-day feeding programs to prevent child food insecurity; and, be it

Further Resolved, That the Joint Committee on Government and Finance create a matrix containing the programs and resources available to each county board of education which can be used to address and prevent child food insecurity; and, be it

Further Resolved, That the study examine potential partnerships with social and civic groups, food pantries and food banks, faith-based initiatives, and corporate partnerships to aid county boards of education in providing food to students outside of the school day; and, be it

Further Resolved, That the study include recommendations for increasing efficiency in the delivery of the feeding programs to

prevent child food insecurity as well as for streamlining coordination between all parties involved in the delivery of the feeding programs; and, be it

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

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

S. C. R. 74 - “Requesting the Joint Committee on Government and Finance study the feasibility of legislation to reduce criminal activity and increase online marketplace transparency.”

Whereas, Brick-and-mortar retailers in West Virginia are concerned about criminals stealing merchandise from brick-and-mortar stores and then illegally selling those goods on online marketplaces; and

Whereas, Some online third-party marketplaces support anonymous selling accounts on their platforms; and

Whereas, Criminal activity may be reduced and consumers may benefit from increased online marketplace transparency; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the feasibility of legislation to reduce

criminal activity and increase online marketplace transparency; and, be it

Further Resolved, That the study include the significance of criminals stealing merchandise from brick-and-mortar stores and then illegally selling those goods on online marketplaces; and, be it

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

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

S. C. R. 75 - "Requesting the Joint Committee on the Judiciary study the feasibility of conforming the timing of elections and ballot initiatives of political subdivisions of this state to coincide with scheduled statewide and federal primary and general elections."

Whereas, Some municipalities, counties, and other political subdivisions of this state currently hold elections and ballot initiatives outside of scheduled statewide and federal primary and general election dates; and

Whereas, Holding such local elections and ballot initiatives outside of the scheduled statewide and federal primary and general election cycle may cause political subdivisions to incur significant administrative costs; and

Whereas, Such costs incurred by political subdivisions could be reduced if such local elections and ballot initiatives coincide with scheduled statewide and federal primary and general elections; and

Whereas, Holding such local elections and ballot initiatives outside of the scheduled statewide and federal primary and general election cycle may result in low voter turnout on such local elections and ballot initiatives; and

Whereas, It is believed that voter turnout for local elections and ballot initiatives could increase if such local elections and ballot initiatives coincide with scheduled statewide and federal primary and general elections; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on the Judiciary is hereby requested to study the feasibility of conforming the timing of elections and ballot initiatives of political subdivisions of this state to coincide with scheduled statewide and federal primary and general elections; and, be it

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

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

Introduction of Resolutions

Delegates Barnhart, Hanna, Keaton, Anderson, Ferrell, G. Ward, Haynes, J. Kelly and Zatezalo offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 107 - “Requesting the Joint Committee on Government and Finance study alternative methods of recourse for delinquent court fees.”

Whereas, Magistrates in the State of West Virginia face difficulties in enforcing the collection of court costs and fees; and

Whereas, Magistrate courts rely on the collection of these fees for their operations; and

Whereas, During the 2020 this Legislature passed House Bill 4958 which eliminated the ability of magistrate judges to suspend defendants’ West Virginia driver’s licenses at their discretion for failure to pay court costs and fees; and

Whereas, Since the passage of that bill, magistrate judges have had a more burdensome time collecting these costs and fees, resulting in more delinquent accounts; and

Whereas, This inability to efficiently and effectively collect court costs and fees will have an adverse effect on the magistrate court system; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study alternative methods of recourse that will effectuate efficient collection of delinquent court costs and fees; and, be it

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

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

Delegates Nestor, Pritt, Ferrell, Worrell, Reed, Linville, Bruce, Mandt, Mallow, Anderson, Holstein, Hott and Longanacre offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 108 - “Requesting the Joint Committee on Government and Finance study potential development of additional bleachers at the new Elkins High School.”

Whereas, Elkins High School does not currently have a properly equipped football field; and

Whereas, There are current proposals to equip the new school field with appropriate bleachers; and

Whereas, The prior venue operated as a sort of multipurpose location for a variety of activities until its condemnation; and

Whereas, The school and community would benefit from additional bleachers at the new location for large events such as large football games, pee wee events, community ceremonies, and etc.; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study potential development of additional bleachers at the new Elkins High School, including costs, costs savings, revenue by venue hosting, and benefits to the school and community of bleacher extension; and, be it

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

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

Delegates Nestor, Pritt, Ferrell, Anderson, J. Kelly, Longanacre, Reed, Linville, Reynolds, Wamsley, Bruce, Barnhart, Holstein, Hott, Mandt, Storch, G. Ward, Westfall and Worrell offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 109 - “Requesting the Joint Committee on Government and Finance to study the potential impact of the development of the railroad yard in Elkins, West Virginia to include an amphitheater/multi-use property that can host concerts and athletic events.”

Whereas, Elkins is the gateway to many tourist destinations throughout Randolph County, including Canaan Valley State Park, Blackwater Falls State Park, Cass Scenic Railroad, Seneca Rocks Discovery Center, and National Radio Astronomy Observatory; and

Whereas, Elkins is a terminus for the Durbin Greenbrier Valley Railroad excursion trains and supports an active Railyard including the Elkins Depot Welcome Center and the Darden Mill; and

Whereas, The region offers many activities for residents and tourists alike, including the best ski resorts in the south, miles of mountain biking, hiking in the Monongahela National Forest, access to over 500 miles of trout streams, whitewater rivers for all skill levels, an unparalleled blaze of fall colors, hunting, and award winning golf courses. The region has been recognized as one of our Nation’s top five tourism destinations; and

Whereas, In order to continue to develop Elkins as a tourist destination and provide additional activities for the residents of the region, Elkins has begun to develop the railyard property. This property this is prime real estate that if developed correctly could grow tourism in the area and State; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the potential impact of the development of the railroad yard in

Elkins, West Virginia to include an amphitheater/multi-use property that can host concerts and athletic events; and, be it

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

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

Delegates Skaff, Barach, Bates, Brown, Clark, Diserio, Doyle, Ellington, Evans, Fleischauer, Fluharty, Forsht, Garcia, Griffith, Hansen, Higginbotham, Hornbuckle, Horst, Kimble, Lovejoy, Martin, Pushkin, Rowe, Walker, Wamsley, G. Ward, Williams, Young and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 110 - “Requesting the Joint Committee on Government and Finance to study the fiscal impact on political subdivisions that elimination or reduction of property taxes on tangible machinery and equipment personal property directly used in business activity, tangible inventory personal property directly used in business activity, and personal property tax on motor vehicles from ad valorem property taxation and corresponding revenue replacement mechanisms to mitigate the budgetary effects on political subdivisions including county and municipal governments, county school boards and levying bodies.”

Whereas, Property taxes provide substantial revenues necessary to finance the provision local government services, and substantive modifications to the current property taxation may significantly impact delivery of such; and

Whereas, Elimination or reduction of property taxes will have a disparate effect on political subdivisions across this state; and

Whereas, Revenue replacement mechanisms will also have a disparate effect in mitigating potential losses resulting from the elimination or reduction of property taxes; and

Whereas, Participation by all impacted political subdivisions and levying bodies is tantamount to ensuring sustainable delivery of public services to the citizenry; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the fiscal impact elimination or reduction of current tangible property tax, including commercial machinery and equipment, business inventory and tangible personal property, and corresponding revenue replacement mechanisms to mitigate the budgetary effects on political subdivisions including county and municipal governments, county school boards and levying bodies; and, be it

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

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

Delegates Nestor, Pritt, Ferrell, Reed, Phillips, Linville, Bruce, Mandt, Mallow, Anderson, Holstein, Hott, Longanacre, Reynolds, Westfall and Worrell offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 111 - “Requesting the Joint Committee on Government and Finance to study developing and resurfacing the track at the old Elkins High School location for use by the school and community.”

Whereas, The track at the old Elkins High School location has been a favorite spot for students and community members to gather for events and exercise; and

Whereas, With the construction of the new Elkins High School, resources have been focused on development of that location; and

Whereas, However, there is still great benefit to the school and community to restore and potentially further develop the track at the old location for continued use by the school and community as a place for events, gathering, and exercise; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance shall undertake a study of the costs, benefits, and potential revenue of resurfacing and potentially further development of the old Elkins High School track; and, be it

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

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

Motions

Delegate Garcia was recognized and moved that House Rule 70 be suspended and that Com. Sub. for S. J. R. 11 be moved from the House Calendar to the Special Calendar.

Delegate Summers moved that the motion be tabled.

On this motion, the yeas and nays, were demanded which demand was sustained.

On this question, the yeas and nays were taken (**Roll No. 602**), and there were—yeas 75, nays 25, absent and not voting none, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: None.

So, a majority of the members present having voted in the affirmative, the motion was laid upon the table.

Pursuant to House Rule 58, Delegate Westfall, having voted on the prevailing side on Roll Call No. 562, moved to reconsider Com. Sub. for S. B. 569.

Pursuant to the Joint Rule 6, the bill had been returned to the Senate.

Delegate Espinosa moved the House recall the bill from the Senate.

On this motion, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered they were taken (**Roll No. 603**), and there were—yeas 45, nays 55, absent and not voting none, with the yeas being as follows:

Yeas: Barnhart, Burkhammer, Capito, Clark, Conley, Criss, Ellington, Espinosa, Forsht, Foster, Gearheart, Graves, Hamrick, Hanna, Hardy, Haynes, Higginbotham, Hott, Householder, Howell, D. Jeffries, Keaton, Kessinger, Kimble, Kimes, Linville, Mallow, Mazzocchi, J. Pack, L. Pack, Pinson, Pritt, Queen, Reed, Reynolds, Riley, Statler, Storch, Summers, Sypolt, Wamsley, Westfall, Worrell, Zatezalo and Hanshaw (Mr. Speaker).

So, a majority of the members present not having voted in the affirmative, the motion to request the return of the bill was rejected.

At 12:14 p.m., on motion of Delegate Summers, the House of Delegates recessed until 1:45 p.m.

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Afternoon Session

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The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

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. 3215, Amending the requirements to become an elected prosecutor.

On motion of Delegate Summers, the House 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:

**“ARTICLE 4. PROSECUTING ATTORNEY, REWARDS,
AND LEGAL ADVICE.**

§7-4-1a. Eligibility of prosecuting attorneys.

To be eligible to be a candidate for the office of prosecuting attorney, a person shall be a duly licensed attorney in the State of West Virginia at the time of his or her filing for office.”

And,

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

Com. Sub. for H. B. 3215 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-4-1a, relating to eligibility of prosecuting attorneys; and requiring a person to be licensed as an attorney in the State of West Virginia at the time of filing for office as a candidate for the office of prosecuting attorney.”

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. 604**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Dean, Hanna, Kimes and Paynter.

Absent and Not Voting: Fleischauer and Garcia.

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. 3215) passed.

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

There being no objection, the House proceeded to consideration of items on Unfinished Business.

Special Calendar

Unfinished Business

S. C. R. 53, Encouraging certain facilities improve palliative care programs; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

H. R. 26, Requesting the Joint Committee on Government and Finance to study the extent to which the COVID-19 pandemic has

revealed efficiencies and/or inefficiencies in the executive branch of government in West Virginia; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

H. C. R. 105, Requesting the Joint Committee on Government and Finance study the current process of involuntary hospitalization, competency, and criminal responsibility of persons charged or convicted of certain crimes; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

H. C. R. 106, Requesting the Joint Committee on Government and Finance study the effect of empowering the West Virginia Sentencing Commission to study the effect of a criminal code rewrite; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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. 344, Relating to credit for qualified rehabilitated buildings investment; 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. 605**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Foster.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 344) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 344 - “A Bill to amend and reenact §11-21-8a of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-24-23a of said code, all relating to eliminating the termination date of the tax credit for qualified rehabilitated buildings investment.”

Delegate Summers moved that the bill take effect July 1, 2021.

On this question, the yeas and nays were taken (**Roll No. 606**), and there were—yeas 100, nays none, absent and not voting none.

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. 344) takes effect July 1, 2021.

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 S. B. 368, Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 607**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Kimes.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 368) passed.

An amendment to the title of the bill, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 368 - “A Bill to amend and reenact §22-15-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-15A-1 and §22-15A-19 of said code; to amend said code by adding thereto a new section, designated §22-15A-30; to amend and reenact §22-16-4 and §22-16-12 of said code; to amend and reenact §22C-4-30 of said code; and to amend and reenact §24-2-1m of said code; all relating to regulation of certain waste disposal and processing activities generally; authorizing certain additional solid waste assessment fees; providing for the distribution of the additional solid waste assessment fees; changing the location of certain public roads upon which the moneys of the Gas Field Highway Repair and Horizontal Drilling Waste Study Fund is to be expended for their improvement, maintenance and repair from those public roads located in the watershed from which certain revenues are received to those public roads located in the county where the waste is generated; providing that those funds only be expended through the Division of Highways county office in that county; exempting certain mixed waste processing and resource recovery facilities from certain fees and assessments; providing legislative findings; authorizing the Department of Environmental Protection to develop the Reclamation of Abandoned and Dilapidated Properties Program to assist county commissions or municipalities in their efforts to remediate abandoned and dilapidated structures; creating a special revenue fund to be known as the Reclamation of Abandoned and Dilapidated Properties Program Fund; permitting the payment of excess money from the Solid Waste Facility Closure Cost Assistance Fund into the Reclamation of Abandoned and Dilapidated Properties Program Fund; authorizing increases in certain solid waste assessment fees; providing that the jurisdiction of the West Virginia Public Service Commission does not extend to these mixed waste processing and resource recovery facilities; and providing effective date.”

Delegate Summers moved that the bill take effect July 1, 2021.

On this question, the yeas and nays were taken (**Roll No. 608**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Kimes.

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. 368) takes effect July 1, 2021.

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 S. B. 492, Establishing program for bonding to reclaim abandoned wind and solar generation facilities; on third reading, coming up in regular order, with amendments pending and the right to amend, was reported by the Clerk.

An amendment offered by Delegates Anderson and Zatezalo, was reported by the Clerk.

Whereupon,

Delegate Anderson obtained unanimous consent that the amendment be withdrawn.

An amendment, offered by Delegate Capito was reported by the Clerk.

Whereupon,

Delegate Capito obtained unanimous consent that the amendment be withdrawn.

In the absence of objection, the House proceeded to consider an amendment, offered by Delegates Anderson and Zatezalo, on page two, after the enacting clause, by striking out the remainder of the bill in its entirety and inserting in lieu thereof the following:

“ARTICLE 32. THE WEST VIRGINIA WIND AND SOLAR ENERGY FACILITY RECLAMATION ACT.

§22-32-1. Legislative findings and purpose.

(a) The Legislature finds that the State of West Virginia has an interest in assuring that wind generation facilities and solar

generation facilities are properly decommissioned and reclaimed once the facility has been permanently closed.

(b) The Legislature further finds that the most efficient manner by which to protect the citizens of the State of West Virginia is to require that wind generation facilities and solar generation facilities secure bonding sufficient to pay for all decommissioning and reclamation costs of the property on which wind generation facilities and solar generation facilities are operated.

(c) Therefore, in view of the findings relating to the decommissioning and reclamation of wind generation facilities and solar generation facilities, the Legislature declares it to be the public policy of the State of West Virginia to eliminate the present danger resulting from abandoned wind generation facilities and solar generation facilities and that in order to provide for the public health, safety, and welfare, it is necessary to enact legislation to those ends by requiring companies that construct and operate wind generation facilities and solar generation facilities to post bonds and execute agreements sufficient to cover the costs of decommissioning and reclamation in the event they are abandoned after closure.

§22-32-2. Short title.

This article shall be known and cited as The West Virginia Wind and Solar Energy Facility Reclamation Act.

§22-32-3. Definitions.

As used in this article, unless the context requires otherwise, the following definitions apply:

(a) ‘Board’ means the Environmental Quality Board provided for in §22B-1-7 of this code.

(b) ‘Decommission’ or ‘decommissioning’ means:

(1) The removal and proper disposal of the solar generation facility and its foundation after the end of the facility’s useful life or abandonment; or

(2) The removal and proper disposal of an aboveground wind turbine tower and its foundation after the end of a wind generation facility's useful life or abandonment; and

(3) Except as otherwise provided in §22-32-4 of this code, the removal and proper disposal of buildings, equipment, cabling, electrical components, roads, or any other facilities associated with a wind generation or solar generation facility; and

(4) Except as otherwise provided in §22-32-4 of this code, the reclamation of the surface lands upon which buildings, equipment, and equipment foundations using backfill and compacting of soil in order to return the surface to beneficial use and to prevent adverse hydrologic effects.

(c) 'Department', 'agency', and 'DEP' mean the West Virginia Department of Environmental Protection.

(d) 'Owner' means a person who owns a wind generation or solar generation facility operated in West Virginia for the generation of electricity.

(e) 'Person' means any individual, firm, partnership, company, association, corporation, limited liability company, city, town, or local governmental entity or any other state, federal, or private entity, whether organized for profit or not.

(f) 'Solar generation facility' means an installation or combination of solar panels or plates, including a canopy or array, and other associated property, including appurtenant land, improvements, and personal property, that are normally operated together to capture and convert solar radiation to produce electricity, including flat plate, focusing solar collectors, or photovoltaic solar cells, and that has a nameplate capacity, singularly or in the aggregate, greater than or equal to 1.0 megawatts.

(g) 'Wind generation facility' means any combination of a physically connected wind turbine or turbines, associated prime movers, and other associated property, including appurtenant land, improvements, and personal property, that are normally operated

together to produce electric power from wind and that have a nameplate capacity, singularly or in the aggregate, greater than or equal to 1.0 megawatts.

(h) 'Bond' means a surety bond or any other arrangement, including but not limited to letters of credit and escrow accounts, that represent a financial guarantee from the owner of a wind generation facility or solar generation facility to meet decommissioning requirements as established in this Act.

§22-32-4. Bonding required.

(a) Within 12 months of a wind generation facility or solar generation facility commencing commercial operation, except as provided in subsections (b) and (c) of this section, the owner of a wind generation facility or solar generation facility operating in West Virginia shall:

(1) Notify the Department of Environmental Protection (DEP) in writing of the date that the facility began commercial operation;

(2)(A) Submit a plan, certified by a qualified independent licensed professional engineer, for decommissioning the facility to the DEP in compliance with DEP standards and technical specifications including a scope of work to be completed and cost estimates for completion and salvage estimates, taking into account local siting conditions, or (B) if exempt hereunder, submit a copy of a properly executed and legally binding decommissioning agreement with all attachments, schedules, and addendums thereto;

(3) Provide the DEP with any other necessary information in accordance with this article and rules adopted pursuant to this article in order for the department to determine bond requirements in accordance with this section; and

(4) Submit a fee for a new application of \$100 per megawatt of nameplate generation capacity or a fee for any modification of \$50 per megawatt of nameplate generation capacity to be deposited into the Wind and Solar Decommissioning Account and utilized for implementing this article and its rules.

(b) If a wind generation facility or solar generation facility commenced commercial operation before July 1, 2021, the owner of the facility shall submit to the department the information required in subsection (a) of this section on or before July 1, 2022.

(c) If a wind generation facility or solar generation facility commenced commercial operation before July 1, 2021, and the owner of the facility submitted information required by subsection (a) of this section on or before July 1, 2021, the owner is not required to resubmit the information.

(d) If a property owner and the owner of a wind generation facility or solar generation facility and to the extent necessary any local governing body reach an agreement concerning: (1) Alternative restoration of buildings, equipment, other associated property (including appurtenant land, improvements, and personal property), cabling, electrical components, roads, or any other associated facilities (instead of removal); or (2) alternative plans for reclamation of surface lands; or (3) both, the agreement must be provided to the DEP for review and approval by the Cabinet Secretary or his assigns. The DEP must approve or deny the alternative plan submission within 90 days of receipt. Decommissioning agreements which legally bind exempt parties are not subject to approval or modification by DEP but are subject to review and comment by DEP.

(e)(1) Upon application by the wind generation facility or solar generation facility, the DEP may modify a plan for decommissioning and adjust bond requirements in accordance with this article.

(2) The DEP shall notify the owner of the facility of any modification. The owner of the wind generation facility or solar generation facility may appeal a modification by the DEP of a plan for decommissioning to the Environmental Quality Board within 30 days of receiving notice of the modification to the plan.

(f) To determine the amount of a bond required in accordance with this act, the DEP shall take into account the report submitted with an application and assess a bond value based upon the total

disturbed acreage of land upon which the wind generation or solar generation facility is operated, less salvage value: *Provided*, That the amount of the bond required shall not exceed the total projected future cost of decommissioning, less salvage value.

(g) Except as provided in subsection (i) of this section, the owner of a wind generation facility or solar generation facility shall submit to the DEP a bond payable to the State of West Virginia in a form acceptable by the DEP and in the sum determined by the DEP, conditioned on the faithful decommissioning of the wind generation facility or solar generation facility.

(h)(1) Except as provided in subsection (i) of this section, if a wind generation facility or solar generation facility commenced commercial operation on or before July 1, 2021, the operator shall submit the decommissioning bond to the DEP on or before July 1, 2022.

(2) Except as provided in subsection (i) of this section, if a wind generation facility or solar generation facility commenced commercial operation after July 1, 2021, the operator shall submit the decommissioning bond to the DEP within one year of the date on which the wind generation facility or solar generation facility first produces electricity for consumer or industrial use.

(i) An owner of a wind generation facility or solar generation facility is exempt from the requirements of this section if:

(1) the facility has less than 1.0 megawatts in nameplate capacity;

(2) the facility is operated by a regulated public utility who can successfully demonstrate to the Public Service Commission and the DEP an acceptable showing of financial integrity and long-term viability; or

(3) the facility is legally bound by a decommissioning agreement, based upon a qualified independent party and executed before the effective date of this article; or is or was granted a siting certificate or other authorization to construct by the Public Service Commission, conditioned upon the execution of such agreement

before the effective date of this article: Such facilities are exempt, unless or until the facility, is (A) found to be in breach of such agreement or such agreement is found to be unenforceable, (B) sold or transferred to a party or parties not bound under such agreement, or (C) substantially expanded in total disturbed acreage.

(j)(1) If the owner of the wind generation facility or solar generation facility fails to submit a decommissioning bond acceptable to the DEP or the properly executed and legally binding decommissioning agreement within the time frame required by this section, the DEP shall provide notice to the facility owner. If, after 30 days, the owner of a wind generation facility or solar generation facility has not submitted a decommissioning bond or such agreement, the DEP may assess an administrative penalty of not more than \$10,000 for the first day of violation and may assess an additional administrative penalty of not more than \$500 for each day the failure to submit the decommissioning bond continues.

(2) The owner of the wind generation facility or solar generation facility may appeal a penalty assessment to the Environmental Quality Board within 30 days after receipt of written notice of the penalty. The provisions of §22B-1-1 *et seq.* of this code shall apply to such appeals.

(k) If the owner of a bonded wind generation facility or solar generation facility transfers ownership of the facility to a successor owner, the first owner's bond must be released after 90 days. The new owner of a bonded facility shall submit any necessary bond within 90 days after transfer of ownership or be subject to penalties in accordance with this section. The new owner of an unbonded facility shall submit any necessary bond within 90 days after transfer of ownership or be subject to penalties in accordance with this section.

(l) Once every five years, the owner of a wind generation facility or solar generation facility may submit an amended plan for the DEP's approval. As part of the submission, the owner of a wind generation facility or solar generation facility may also apply to the DEP for a reduction in the amount of the decommissioning bond applicable to the wind energy facility or solar generation facility.

The owner's application to the DEP must include written evidence of a reduction in the total disturbed acreage upon which the facility is sited and a modification fee of \$50 per megawatt of nameplate generation capacity.

(m) Submitting a bond or a properly executed and legally binding decommissioning agreement in accordance with this section does not absolve the owner of a wind generation facility or solar generation facility from complying with all other applicable laws, rules, regulations, and requirements applicable to a wind generation facility or solar generation facility.

(n) The Public Service Commission of West Virginia shall condition all siting certificates issued on full compliance, as determined by the DEP, with the provisions of this article and the rules promulgated hereunder and shall not require further decommission bonding. Entities subject to and in compliance with this article shall not be subjected to any municipal, county, or local political subdivision's code, ordinances, rules, or regulations including additional decommission bonding.

(o) DEP shall issue a decision approving, approving with modifications, or denying an application, plan, amended plan, modification, or bond within 90 days of receipt.

(p) Any person adversely affected by a decision of DEP to approve or deny a decommissioning plan; establish the amount of a decommissioning bond; approve or deny an application to modify a decommissioning plan or bond; grant or release a decommissioning bond; or to forfeit a decommissioning bond may appeal that decision to the Environmental Quality Board and thereafter to the appropriate court in accordance with the provisions of §22B-1-1, *et seq* of this code.

§22-32-5. Wind and solar decommissioning account, bonds to be held.

(a) This article establishes a Wind and Solar Decommissioning Account within the State Treasury. There must be paid into the account:

(1) Fees and penalties collected in accordance with the article; and

(2) Interest income earned on the account.

(b)(1) Money in the account may only be used by the Department of Environmental Protection (DEP) in implementing this article and rules adopted pursuant to this article.

(2) The DEP shall administer this program using existing resources and money in the account.

(c) The DEP shall maintain and hold bonds or other surety received by the DEP as authorized by this article for use in accordance with this article.

§22-32-6. Bond release.

(a)(1) Subject to subdivision (2) of this subsection, the Department of Environmental Protection (DEP) shall release the bond if it is satisfied that an owner has properly decommissioned a wind generation facility or solar generation facility in accordance with the plan required by this article.

(2) At any time, an owner of a wind generation facility or solar generation facility may petition the DEP for release of the bond, and the DEP shall reply with a determination within 90 days.

(b) If the owner of a wind generation facility or solar generation facility fails to properly decommission a wind generation facility or solar generation facility and has not commenced action to rectify deficiencies within 90 days after notification by the DEP, the DEP shall cause the bond to be forfeited. The DEP, through its Office of Environmental Remediation or by contract with a private entity, may take any necessary actions to decommission the wind generation facility or solar generation facility. Upon completion, the DEP may file suit to enforce the permit conditions, plans, and agreements to recoup the cost of decommissioning and reclamation in the circuit court of Kanawha County or in the circuit court of the county in which the wind generation facility or solar generation facility is located.

§22-32-7. Rulemaking

The Department of Environmental Protection (DEP) may promulgate such emergency, interpretive, legislative, and procedural rules as the secretary deems to be useful or necessary to carry out the purpose of this article and to implement the intent of the Legislature in accordance with the provisions of §29A-3-1 et seq. of this code, prescribing:

(a) Standards and procedures for reclamation, submission of applications and agreements, and reasonable bonds with good and sufficient surety by the owners of wind generation facilities and solar generation facilities;

(b) The collection of fees and penalties in accordance with this article;

(c) Criteria and the process for releasing a bond in accordance with this article;

(d) The DEP's use of a bond in the event that the owner of a wind generation facility or solar generation facility fails to decommission a wind generation facility or solar generation facility;

(e) Information required by the department to determine bond requirements in accordance with this article; and

(f) Any additional requirements to ensure compliance with this article.

§22-32-8. Decommissioning Agreements.

Decommissioning agreements entered by wind and solar facilities not exempted from this Act shall address, at a minimum:

(a) The term and scope of the agreement, including access and easement rights for decommissioning activities thereunder;

(b) The establishment of a bond or fund for decommissioning activities; provisions governing the same; initial balances; and whether an escrow agreement is required for the fund;

(c) The requirement to review, amend, and restate the decommissioning agreement every five years and adjust the required balance of the bond or fund for decommissioning activities;

(d) The Department of Environmental Protection's right to review, modify, and approve the independent third-party's plan: *Provided*, That the Department of Environmental Protection's approval of an qualified independent third-party evaluation shall not be unreasonably withheld;

(e) Industry standards or citations to the same to be met for decommissioning wind and solar facilities, including a statement of the restoration goal and the treatment of abandoned equipment on owned or leased property;

(f) The process for making claims and disbursements under the agreement's decommissioning fund;

(g) The termination of the decommissioning agreement following the completion of decommissioning activities;

(h) Required notices;

(i) The assignment of rights and obligations under the agreement; and

(j) Force majeure provisions excusing performance or delays in performance due to fire, earthquake, flood, tornado, disasters, or act of God, terrorism, pandemic, change of law, or any other cause beyond a party's control.

The secretary of the Department of Environmental Protection may propose rules for legislative approval in accordance with the provisions of chapter twenty-nine-a of this code establishing a model decommissioning agreement for wind and solar facilities governed under this Act."

An amendment to the amendment, offered by Delegate Hott, was reported by the Clerk.

Whereupon,

Delegate Hott obtained unanimous consent that the amendment be withdrawn.

The question being on the adoption of the amendment offered by Delegates Anderson and Zatezalo, the same was put and adopted.

An amendment, offered by Delegate Griffith, was reported by the Clerk.

Whereupon,

Delegate Griffith obtained unanimous consent that the amendment be withdrawn.

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 609**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: Clark, Higginbotham, Thompson and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 492) passed.

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

Com. Sub for S. B. 492 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-32-1, §22-32-2, §22-32-3, §22-32-4, §22-32-5, §22-32-6, §22-32-7, and §22-32-8, all relating generally to establishing and implementing a program to decommission and reclaim wind and solar electrical generation facilities upon closure; making legislative findings; stating legislative purpose; providing a short title; defining terms including bond; requiring the owners of wind generation facilities and solar generation facilities to notify and provide certain information to the Department of

Environmental Protection (DEP), including dates when operations began and plans with certified cost and salvage estimates for decommissioning facilities; establishing fees for new and modified applications; requiring DEP to determine and assess a reclamation bond based on applicant's filings and a facility's total disturbed acreage, less salvage value; establishing a maximum bond value limit; requiring the owners of said facilities to submit bonds payable to the state in a form and in a sum determined by the DEP, conditioned on the satisfactory decommissioning; providing that owners of said facilities may enter into alternative reclamation agreements after approval by the DEP; providing that the DEP may modify said plans after proper notification and appeals; providing exemptions from bond requirements for certain facilities including those with nameplate capacities of less than 1.0 megawatts, those facilities operated by regulated public utilities who can demonstrate financial integrity and stability, and those facilities with qualifying pre-existing agreements or siting certificates from the PSC within specified limitations; providing for administrative penalties for failure to submit decommissioning bonds and agreements; providing appellate rights to the Environmental Quality Board; providing transfer of ownership provisions; providing for amended plans for allowing reductions in bond amounts; providing that bond submission does not absolve owners from complying with other applicable regulations and requirements; providing that the PSC must condition siting certificates on compliance as determined by the DEP; providing a liability shield for entities in compliance to avoid double bonding; requiring the DEP to decide on submissions within 90 days; establishing a Wind and Solar Decommissioning Account within the State Treasury in to which fees, assessed penalties, and accrued interest must be paid and held; providing that the account may only be used by the DEP to implement this article and adopted rules; providing that DEP shall administer this act using existing resources and the account; requiring the DEP to maintain and hold bonds or other surety received; providing for the release of bonds after the DEP is satisfied property has been properly decommissioned in accordance with the plan; providing for bond forfeiture when a facility is not properly decommissioned, if the deficiencies are not rectified; providing that the Office of

Environmental Remediation or a private entity by contract may decommission facilities; providing that DEP may file suit to enforce permit and plan conditions and to recoup costs of reclamation; authorizing rulemaking and standardized model agreements; and providing effective dates.”

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

S. B. 718, Relating generally to Coal Severance Tax Rebate; 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. 610**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 718) passed.

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

On this question, the yeas and nays were taken (**Roll No. 611**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 718) takes effect from its passage.

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

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 3301, Relating generally to property tax increment financing districts.

On motion of Delegate Summers, the House 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:

“§7-11B-3. Definitions.

(a) General. — When used in this article, words and phrases defined in this section have the meanings ascribed to them in this section unless a different meaning is clearly required either by the context in which the word or phrase is used or by specific definition in this article.

(b) Words and phrases defined. —

‘Agency’ includes a municipality, a county or municipal development agency established pursuant to authority granted in §7-12-1 of this code, a port authority, an airport authority or any other entity created by this state or an agency or instrumentality of this state that engages in economic development activity or the Division of Highways.

‘Base assessed value’ means the taxable assessed value of all real and tangible personal property, excluding personal motor vehicles, having a tax situs within a development or redevelopment district as shown upon the landbooks and personal property books of the assessor on July 1 of the calendar year preceding the effective date of the order or ordinance creating and establishing the development or redevelopment district: *Provided*, That for any development or redevelopment district approved after the effective date of the amendments to this section enacted during the regular session of the Legislature in 2014, personal trailers, personal boats, personal campers, personal motor homes, personal ATVs and personal motorcycles having a tax situs within a development or redevelopment district are excluded from the base assessed value.

‘Blighted area’ means an area within the boundaries of a development or redevelopment district located within the territorial limits of a municipality or county in which the structures, buildings or improvements, by reason of dilapidation, deterioration, age or

obsolescence, inadequate provision for access, ventilation, light, air, sanitation, open spaces, high density of population and overcrowding or the existence of conditions which endanger life or property, are detrimental to the public health, safety, morals or welfare. 'Blighted area' includes any area which, by reason of the presence of a substantial number of substandard, slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, defective or unusual conditions of title or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use, or any area which is predominantly open and which because of lack of accessibility, obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of the community.

'Commissioner of Highways' means the Commissioner of the Division of Highways.

'Conservation area' means any improved area within the boundaries of a development or redevelopment district located within the territorial limits of a municipality or county in which fifty percent or more of the structures in the area have an age of thirty-five years or more. A conservation area is not yet a blighted area but is detrimental to the public health, safety, morals or welfare and may become a blighted area because of any one or more of the following factors: Dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community

planning. A conservation area shall meet at least three of the factors provided in this subdivision.

‘County commission’ means the governing body of a county of this state and, for purposes of this article only, includes the governing body of a Class I, Class II or Class III municipality in this state.

‘Current assessed value’ means the annual taxable assessed value of all real and tangible personal property, excluding personal motor vehicles, having a tax situs within a development or redevelopment district as shown upon the landbook and personal property records of the assessor: *Provided*, That for any development or redevelopment district approved after the effective date of the amendments to this section enacted during the regular session of the Legislature in 2014, personal trailers, personal boats, personal campers, personal motor homes, personal ATVs and personal motorcycles having a tax situs within a development or redevelopment district are excluded from the current assessed value.

‘Development office’ means the West Virginia Department of Economic Development ~~Office~~ created in §5B-2-1 of this code.

‘Development project’ or ‘redevelopment project’ means a project undertaken in a development or redevelopment district for eliminating or preventing the development or spread of slums or deteriorated, deteriorating or blighted areas, for discouraging the loss of commerce, industry or employment, for increasing employment or for any combination thereof in accordance with a tax increment financing plan. A development or redevelopment project may include one or more of the following:

(A) The acquisition of land and improvements, if any, within the development or redevelopment district and clearance of the land so acquired; or

(B) The development, redevelopment, revitalization or conservation of the project area whenever necessary to provide land for needed public facilities, public housing or industrial or

commercial development or revitalization, to eliminate unhealthful, unsanitary or unsafe conditions, to lessen density, mitigate or eliminate traffic congestion, reduce traffic hazards, eliminate obsolete or other uses detrimental to public welfare or otherwise remove or prevent the spread of blight or deterioration;

(C) The financial or other assistance in the relocation of persons and organizations displaced as a result of carrying out the development or redevelopment project and other improvements necessary for carrying out the project plan, together with those site improvements that are necessary for the preparation of any sites and making any land or improvements acquired in the project area available, by sale or lease, for public housing or for development, redevelopment or rehabilitation by private enterprise for commercial or industrial uses in accordance with the plan;

(D) The construction of capital improvements within a development or redevelopment district designed to increase or enhance the development of commerce, industry or housing within the development project area; or

(E) Any other projects the county commission or the agency deems appropriate to carry out the purposes of this article.

‘Development or redevelopment district’ means an area proposed by one or more agencies as a development or redevelopment district which may include one or more counties, one or more municipalities or any combination thereof, that has been approved by the county commission of each county in which the project area is located if the project is located outside the corporate limits of a municipality, or by the governing body of a municipality if the project area is located within a municipality, or by both the county commission and the governing body of the municipality when the development or redevelopment district is located both within and without a municipality.

‘Division of Highways’ means the state Department of Transportation, Division of Highways.

‘Economic development area’ means any area or portion of an area within the boundaries of a development or redevelopment district located within the territorial limits of a municipality or county that is neither a blighted area nor a conservation area and for which the county commission finds that development or redevelopment will not be solely used for development of commercial businesses that will unfairly compete in the local economy and that development or redevelopment is in the public interest because it will:

(A) Discourage commerce, industry or manufacturing from moving their operations to another state;

(B) Result in increased employment in the municipality or county, whichever is applicable; or

(C) Result in preservation or enhancement of the tax base of the county or municipality.

‘Governing body of a municipality’ means the city council of a Class I, Class II or Class III municipality in this state.

‘Incremental value’, for any development or redevelopment district, means the difference between the base assessed value and the current assessed value. The incremental value will be positive if the current value exceeds the base value and the incremental value will be negative if the current value is less than the base assessed value.

‘Includes’ and ‘including’, when used in a definition contained in this article, shall not exclude other things otherwise within the meaning of the term being defined.

‘Intergovernmental agreement’ means any written agreement that may be entered into by and between two or more county commissions, or between two or more municipalities, or between a county commission and a municipality, in the singular and the plural, or between two or more government entities and the Commissioner of Highways: *Provided*, That any intergovernmental agreement shall not be subject to provisions governing intergovernmental agreements set forth in other

provisions of this code, including, but not limited to, §8-23-1 *et seq.* of this code, but shall be subject to the provisions of this article.

‘Local levying body’ means the county board of education and the county commission and includes the governing body of a municipality when the development or redevelopment district is located, in whole or in part, within the boundaries of the municipality.

‘Obligations’ or ‘tax increment financing obligations’ means bonds, loans, debentures, notes, special certificates or other evidences of indebtedness issued by a county commission or municipality pursuant to this article to carry out a development or redevelopment project or to refund outstanding obligations under this article.

‘Order’ means an order of the county commission adopted in conformity with the provisions of this article and as provided in this chapter.

‘Ordinance’ means a law adopted by the governing body of a municipality in conformity with the provisions of this article and as provided in §8-1-1 *et seq.* of this code.

‘Payment in lieu of taxes’ means ~~those estimated revenues from real property and tangible personal property having a tax situs in the area selected for a development or redevelopment project which revenues, according to the development or redevelopment project or plan, are to be used for a private use, which levying bodies would have received had a county or municipality not adopted one or more tax increment financing plans and which would result from levies made after the date of adoption of a tax increment financing plan during the time the current assessed value of all taxable real and tangible personal property in the area selected for the development or redevelopment project exceeds the total base assessed value of all taxable real and tangible personal property in the development or redevelopment district until the designation is terminated as provided in this article~~ a payment with respect to real and personal property located in a development or

redevelopment district and owned in title by this state, a political subdivision of this state or an agency or instrumentality thereof, that is made by the lessee of such property pursuant to a written payment in lieu of taxes agreement, whether in effect as of, or subsequent to, the date of creation of the development or redevelopment district.

‘Person’ means any natural person, and any corporation, association, partnership, limited partnership, limited liability company or other entity, regardless of its form, structure or nature, other than a government agency or instrumentality.

‘Private project’ means any project that is subject to ad valorem property taxation in this state or to a payment in lieu of tax agreement that is undertaken by a project developer in accordance with a tax increment financing plan in a development or redevelopment district.

‘Project’ means any capital improvement, facility or both, as specifically set forth and defined in the project plan, requiring an investment of capital including, but not limited to, extensions, additions or improvements to existing facilities, including water or wastewater facilities, and the remediation of contaminated property as provided for in §22-22-1 *et seq.* of this code, but does not include performance of any governmental service by a county or municipal government.

‘Project area’ means an area within the boundaries of a development or redevelopment district in which a development or redevelopment project is undertaken as specifically set forth and defined in the project plan.

‘Project costs’ means expenditures made in preparation of the development or redevelopment project plan and made, or estimated to be made, or monetary obligations incurred, or estimated to be incurred, by the county commission which are listed in the project plan as capital improvements within a development or redevelopment district, plus any costs incidental thereto. ‘Project costs’ include, but are not limited to:

(A) Capital costs, including, but not limited to, the actual costs of the construction of public works or improvements, capital improvements and facilities, new buildings, structures and fixtures, the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures and fixtures, environmental remediation, parking and landscaping, the acquisition of equipment and site clearing, grading and preparation;

(B) Financing costs, including, but not limited to, an interest paid to holders of evidences of indebtedness issued to pay for project costs, all costs of issuance and any redemption premiums, credit enhancement or other related costs;

(C) Real property assembly costs, meaning any deficit incurred resulting from the sale or lease as lessor by the county commission of real or personal property having a tax situs within a development or redevelopment district for consideration that is less than its cost to the county commission;

(D) Professional service costs including, but not limited to, those costs incurred for architectural planning, engineering and legal advice and services;

(E) Imputed administrative costs including, but not limited to, reasonable charges for time spent by county employees or municipal employees in connection with the implementation of a project plan;

(F) Relocation costs including, but not limited to, those relocation payments made following condemnation and job training and retraining;

(G) Organizational costs including, but not limited to, the costs of conducting environmental impact and other studies and the costs of informing the public with respect to the creation of a development or redevelopment district and the implementation of project plans;

(H) Payments made, in the discretion of the county commission or the governing body of a municipality, which are found to be

necessary or convenient to creation of development or redevelopment districts or the implementation of project plans; and

(I) That portion of costs related to the construction of environmental protection devices, storm or sanitary sewer lines, water lines, amenities or streets or the rebuilding or expansion of streets, or the construction, alteration, rebuilding or expansion of which is necessitated by the project plan for a development or redevelopment district, whether or not the construction, alteration, rebuilding or expansion is within the area or on land contiguous thereto.

‘Project developer’ means any person who engages in the development of projects in the state.

‘Project plan’ means the plan for a development or redevelopment project that is adopted by a county commission or governing body of a municipality in conformity with the requirements of this article and this chapter or §8-1-1 *et seq.* of this code.

‘Real property’ means all lands, including improvements and fixtures on them and property of any nature appurtenant to them or used in connection with them and every estate, interest and right, legal or equitable, in them, including terms of years and liens by way of judgment, mortgage or otherwise, and indebtedness secured by the liens.

‘Redevelopment area’ means an area designated by a county commission or the governing body of a municipality in respect to which the commission or governing body has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, an economic development area or a combination thereof, which area includes only those parcels of real property directly and substantially benefitted by the proposed redevelopment project located within the development or redevelopment district or land contiguous thereto.

‘Redevelopment plan’ means the comprehensive program under this article of a county or municipality for redevelopment

intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, economic development area or combination thereof, and to thereby enhance the tax bases of the levying bodies which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of this article.

‘Tax increment’ means the amount of regular levy property taxes attributable to the amount by which the current assessed value of real and tangible personal property having a tax situs in a development or redevelopment district exceeds the base assessed value of the property. Provided, That where the period of existence of a development or redevelopment district is extended beyond its originally scheduled termination date as permitted by §7-11B-10 of this code, only the regular and excess property tax levies of the county commission and any Class I, II, III or IV municipality, a portion of which is located within the boundaries of the development or redevelopment district, shall be included in the tax increment following the originally scheduled termination date of the development or redevelopment district.

‘Tax increment financing fund’ means a separate fund for a development or redevelopment district established by the county commission or governing body of the municipality into which all tax increment revenues and other pledged revenues are deposited and from which projected project costs, debt service and other expenditures authorized by this article are paid.

‘This code’ means the Code of West Virginia, 1931, as amended by the Legislature.

‘Total ad valorem property tax regular levy rate’ means the aggregate levy rate of all levying bodies on all taxable property having a tax situs within a development or redevelopment district in a tax year but does not include excess levies, levies for general obligation bonded indebtedness or any other levies that are not regular levies.

§7-11B-7. Creation of a development or redevelopment area or district.

(a) County commissions and the governing bodies of Class I, Class II or Class III municipalities, upon their own initiative or upon application of an agency or a developer, may propose creation of a development or redevelopment district and designate the boundaries of the district: *Provided*, That a district may not include noncontiguous land.

(b) The county commission or municipality proposing creation of a development or redevelopment district shall then hold a public hearing at which interested parties are afforded a reasonable opportunity to express their views on the proposed creation of a development or redevelopment district and its proposed boundaries.

(1) Notice of the hearing shall be published as a Class II legal advertisement in accordance with §59-3-2 of this code.

(2) The notice shall include the time, place and purpose of the public hearing, describe in sufficient detail the tax increment financing plan, the proposed boundaries of the development or redevelopment district and, when a development or redevelopment project plan is being proposed, the proposed tax increment financing obligations to be issued to finance the development or redevelopment project costs.

(3) Prior to the first day of publication, a copy of the notice shall be sent by first-class mail to the director of the Development Office and to the chief executive officer of all other local levying bodies having the power to levy taxes on real and tangible personal property located within the proposed development or redevelopment district.

(4) All parties who appear at the hearing shall be afforded an opportunity to express their views on the proposal to create the development or redevelopment district and, if applicable, the development or redevelopment project plan and proposed tax increment financing obligations.

(c) After the public hearing, the county commission, or the governing body of the municipality, shall finalize the boundaries of the development or redevelopment district, the development or redevelopment project plan, or both, and submit the same to the director of the Development Office for his or her review and approval. The director, within sixty days after receipt of the application, shall approve the application as submitted, reject the application or return the application to the county commission or governing body of the municipality for further development or review in accordance with instructions of the director of the Development Office. A development or redevelopment district or development or redevelopment project plan may not be adopted by the county commission or the governing body of a municipality until after it has been approved by the executive director of the Development Office.

(d) Upon approval of the application by the Development Office, the county commission may enter an order and the governing body of the municipality proposing the district or development or redevelopment project plan may adopt an ordinance, that:

(1) Describes the boundaries of a development or redevelopment district sufficiently to identify with ordinary and reasonable certainty the territory included in the district, which boundaries shall create a contiguous district;

(2) Creates the development or redevelopment district as of a date provided in the order or ordinance;

(3) Assigns a name to the development or redevelopment district for identification purposes.

(A) The name may include a geographic or other designation, shall identify the county or municipality authorizing the district and shall be assigned a number, beginning with the number one.

(B) Each subsequently created district in the county or municipality shall be assigned the next consecutive number;

(4) Contains findings that the real property within the development or redevelopment district will be benefitted by eliminating or preventing the development or spread of slums or blighted, deteriorated or deteriorating areas, discouraging the loss of commerce, industry or employment, increasing employment or any combination thereof;

(5) Approves the development or redevelopment project plan, if applicable;

(6) Establishes a tax increment financing fund as a separate fund into which all tax increment revenues and other revenues designated by the county commission, or governing body of the municipality, for the benefit of the development or redevelopment district shall be deposited, and from which all project costs shall be paid, which may be assigned to and held by a trustee for the benefit of bondholders if tax increment financing obligations are issued by the county commission or the governing body of the municipality; and

(7) Provides that ad valorem property taxes on real and tangible personal property having a tax situs in the development or redevelopment district shall be assessed, collected and allocated in the following manner, commencing upon the date of adoption of such order or ordinance and continuing for so long as any tax increment financing obligations are payable from the tax increment financing fund, hereinafter authorized, are outstanding and unpaid:

(A) For each tax year, the county assessor shall record in the land and personal property books both the base assessed value and the current assessed value of the real and tangible personal property having a tax situs in the development or redevelopment district;

(B) Ad valorem taxes collected from regular levies upon real and tangible personal property having a tax situs in the district that are attributable to the lower of the base assessed value or the current assessed value of real and tangible personal property located in the development project area shall be allocated to the levying bodies in the same manner as applicable to the tax year in which the development or redevelopment project plan is adopted

by order of the county commission or by ordinance adopted by the governing body of the municipality;

(C) The tax increment with respect to real and tangible personal property in the development or redevelopment district shall be allocated and paid into the tax increment financing fund and shall be used to pay the principal of and interest on tax increment financing obligations issued to finance the costs of the development or redevelopment projects in the development or redevelopment district. Any levying body having a development or redevelopment district within its taxing jurisdiction shall not receive any portion of the annual tax increment except as otherwise provided in this article; and

(D) In no event shall the tax increment include any taxes collected from excess levies, levies for general obligation bonded indebtedness or any levies other than the regular levies provided for in §11-8-1 *et seq.* of this code.

(e) Proceeds from tax increment financing obligations issued under this article may only be used to pay for costs of development and redevelopment projects to foster economic development in the development or redevelopment district or land contiguous thereto.

(f) Notwithstanding subsection (d) of this section, a county commission may not enter an order approving a development or redevelopment project plan unless the county commission expressly finds and states in the order that the development or redevelopment project is not reasonably expected to occur without the use of tax increment financing.

(g) Notwithstanding subsection (d) of this section, the governing body of a municipality may not adopt an ordinance approving a development or redevelopment project plan unless the governing body expressly finds and states in the ordinance that the development or redevelopment project is not reasonably expected to occur without the use of tax increment financing.

(h) No county commission shall establish a development or redevelopment district any portion of which is within the

boundaries of a Class I, II, III or IV municipality without the formal consent of the governing body of such municipality.

(i) A tax increment financing plan that has been approved by a county commission or the governing body of a municipality may be amended by following the procedures set forth in this article for adoption of a new development or redevelopment project plan.

(j) The county commission may modify the boundaries of the development or redevelopment district, from time to time, or the governing body of a county may extend the length of existence of the development or redevelopment district as set forth in §7-11B-10 of this code, subject to the limitations and requirements of this section, by entry of an order modifying the order creating the development or redevelopment district.

(k) The governing body of a municipality may modify the boundaries of the development or redevelopment district, from time to time, or extend the length of existence of the development or redevelopment district as set forth in §7-11B-10 of this code, by amending the ordinance ~~establishing the boundaries of the district~~ creating the development or redevelopment district.

(l) Before a county commission or the governing body of a municipality may amend such an order or ordinance, the county commission or municipality shall give the public notice as provided in subdivisions (1) and (2), subsection (b) of this section, hold a public hearing, as provided in subdivision (4), subsection (b) of this section, ~~and obtain the approval of the director of the Development Office, and obtain the formal consent of the governing body of any Class I, II, III or IV municipality a portion of which is located within the boundaries of the development or redevelopment district following the procedures for establishing a new development or redevelopment district.~~ In the event any tax increment financing obligations are outstanding with respect to the development or redevelopment district, any change in the boundaries shall not reduce the amount of tax increment available to secure the outstanding tax increment financing obligations.

§7-11B-9. Project plan – amendment.

(a) The county commission may by order, or the governing body of a municipality by ordinance, adopt an amendment to a project plan.

(b) Adoption of an amendment to a project plan shall be preceded by a public hearing held by the county commission, or governing body of the municipality, at which interested parties shall be afforded a reasonable opportunity to express their views on the amendment.

(1) Notice of the hearing shall be published as a Class II legal advertisement in accordance with ~~section two, article three, chapter fifty-nine~~ §59-3-2 of this code.

(2) Prior to publication, a copy of the notice shall be sent by first-class mail to the chief executive officer of all other local levying bodies having the power to levy taxes on property within the development or redevelopment district.

(3) Copies of the proposed plan amendments shall be made available to the public at the county clerk's office or municipal clerk's office at least fifteen days prior to the hearing.

(c) One or more existing development or redevelopment districts may be combined pursuant to lawfully adopted amendments to the original plans for each district: *Provided*, That the county commission, or governing body of the municipality, finds that the combination of the districts will not impair the security for any tax increment financing obligations previously issued pursuant to this article.

(1) The base assessed value of the real and tangible personal property located in the combined development or redevelopment district following such combination shall be the same base assessed value as existed for such real and tangible personal property in each of the separate development or redevelopment districts prior to such combination.

(2) The termination date for the combined development or redevelopment district which results from the combination of two or more previously created districts shall be the termination date as provided pursuant to §7-11B-10 of this code of the development or redevelopment district which had the latest termination date prior to the combination of such districts.

§7-11B-10. Termination of development or redevelopment district.

(a) No development or redevelopment district may be in existence for a period longer than thirty years and no tax increment financing obligations may have a final maturity date later than the termination date of the area or district: Provided, That, for any existing development or redevelopment district for which tax increment financing obligations have been issued by a county commission, or the governing body of a municipality, prior to December 31, 2020, the termination date for that existing development or redevelopment district may be extended not more than five years or until December 31, 2050, whichever is earlier.

(b) The county commission or governing body of the municipality creating the development or redevelopment district may set a shorter period for the existence of the district. In this event, no tax increment financing obligations may have a final maturity date later than the termination date of the district. The county commission or the governing body of the municipality which created the development or redevelopment district may not take action to terminate a district prior to the time otherwise provided in its official action creating or extending the district if the county commission or the governing body of the municipality then has tax increment revenue obligations which remain outstanding and unpaid.

(c) Upon termination of the district, no further ad valorem tax revenues shall be distributed to the tax increment financing fund of the district.

(d) The county commission shall adopt, upon the expiration of the time periods set forth in this section, an order terminating the

development or redevelopment district created by the county commission: *Provided*, That no district shall be terminated so long as bonds with respect to the district remain outstanding.

(e) The governing body of the ~~county commission~~ municipality shall repeal, upon the expiration of the time periods set forth in this section, the ordinance establishing the development or redevelopment district: *Provided*, That no district shall be terminated so long as bonds with respect to the district remain outstanding.

§7-11B-18. Payments in lieu of taxes and other revenues.

(a) The county commission or municipality that created the development or redevelopment district shall deposit in the tax increment financing fund of the development or redevelopment district all payments in lieu of taxes received pursuant to any agreement entered into on or subsequent to the date of creation of a development or redevelopment district on tax exempt property located within the development or redevelopment district, and prior to the amendments to this section enacted in the 2021 regular session of the Legislature.

~~(b) The lessee of property that is exempt from property taxes because it is owned by this state, a political subdivision of this state or an agency or instrumentality thereof, which is the lessee of any facilities financed, in whole or in part, with tax increment financing obligations, shall execute a payment in lieu of tax agreement that shall remain in effect until the tax increment financing obligations are paid, during which period of time the lessee agrees to pay to the county sheriff an amount equal to the amount of ad valorem property taxes that would have been levied against the assessed value of the property were it owned by the lessee rather than a tax exempt entity. The~~

(b) Any real or personal property located within the development or redevelopment district and owned by this state, a political subdivision of this state or an agency or instrumentality thereof may be made subject to a payment in lieu of taxes agreement. The real and personal property subject to a payment in

lieu of taxes agreement is deemed public property and exempt from ad valorem property taxation by this state, a political subdivision of this state, an agency or instrumentality thereof or other levying body, so long as it is owned in title by this state, a political subdivision of this state or an agency or instrumentality thereof. The exemption from ad valorem property taxation is applicable to any leasehold or similar interest held by persons other than this state, a political subdivision of this state or an agency or instrumentality thereof, if acquired or constructed with the written agreement of the county school board, county commission and any municipal authority within whose jurisdiction the real and personal property is physically situated.

(c) Any payment in lieu of taxes agreement shall be made between the public entity that owns the property, the lessee of the property who would be making the payment in lieu of taxes and the county school board, county commission and any municipal authority within whose jurisdiction the real or personal property is situate. The payment in lieu of taxes agreement shall provide the amount that shall be paid by the lessee and the amount, if any, that shall be attributable to the base assessed value of the property and the incremental value.

(d) Following the amendments to this section enacted in the 2021 regular session of the Legislature, any portion of the payment in lieu of taxes attributable in the payment in lieu of tax agreement to the incremental value shall be deposited in the tax increment financing fund. Following the amendments to this section enacted in the 2021 regular session of the Legislature, the remaining portion of the in lieu payment shall be distributed among the levying bodies as follows:

(1) The portion of the in lieu tax payment attributable to the base value of the property shall be distributed to the levying bodies in the same manner as taxes attributable in the payment in lieu of tax agreement to the base value of other property in the district are distributed; and

(2) The portions of the in lieu tax payment attributable in the payment in lieu of tax agreement to levies for bonded indebtedness

and excess levies shall be distributed in the same manner as those levies on other property in the district are distributed.

(e) (e) Other revenues to be derived from the development or redevelopment district may also be deposited in the tax increment financing fund at the direction of the county commission.

§7-11B-22. Tax increment financing obligations — terms, conditions.

(a) Tax increment financing obligations may not be issued in an amount exceeding the estimated aggregate project costs, including all costs of issuance of the tax increment financing obligations.

(b) Tax increment financing obligations shall not be included in the computation of the Constitutional debt limitation of the county commission or municipality issuing the tax increment financing obligations.

(c) Tax increment financing obligations shall mature over a period not exceeding thirty years from ~~the date of entry of the county commission's order, or the effective date of the municipal ordinance, creating the development or redevelopment district and approving the development or redevelopment plan~~ their issue date, or a period terminating with the date of termination of the development or redevelopment district, whichever period terminates earlier.

(d) Tax increment financing obligations may contain a provision authorizing their redemption, in whole or in part, at stipulated prices, at the option of the county commission or municipality issuing the obligations, and, if so, the obligations shall provide the method of selecting the tax increment financing obligations to be redeemed.

(e) The principal and interest on tax increment financing obligations may be payable at any place set forth in the resolution, trust indenture or other document governing the obligations.

(f) Bonds or notes shall be issued in registered form.

(g) Bonds or notes may be issued in any denomination.

(h) Each tax increment financing obligation issued under this article is declared to be a negotiable instrument.

(i) The tax increment financing obligations may be sold at public or private sale.

(j) Insofar as they are consistent with subsections (a), (b) and (c) of this section, the procedures for issuance, form, contents, execution, negotiation and registration of county and municipal industrial or commercial revenue bonds set forth in ~~article two-e, chapter thirteen~~ §13-2C-1 et seq. of this code are incorporated by reference herein.

(k) The bonds may be refunded or refinanced and refunding bonds may be issued in any principal amount: *Provided*, That the last maturity of the refunding bonds shall not be later than the ~~last maturity of the bonds being refunded~~ termination date of the district as set forth in §7-11B-10 of this code.”

And,

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

H. B. 3301 – “A Bill to amend and reenact §7-11B-3, §7-11B-7, §7-11B-9, §7-11B-10, §7-11B-18, and §7-11B-22 of the Code of West Virginia, 1931, as amended, relating generally to property tax increment financing districts; authorizing payment in lieu of tax agreements for property located within property tax increment financing districts; authorizing a county commission or municipality to extend the termination time of certain districts; modifying the revenue sources for a district that is extended; eliminating certain existing limitations on the terms of property tax increment financing obligations issued to refund existing obligations; and providing clarifications with respect to the base assessed value and termination date when two or more tax increment financing districts have been combined.”

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. 612**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Paynter.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3301) passed.

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

A message from the Senate, by

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

H. B. 3304, Authorizing the Division of Corrections and Rehabilitation to establish a Reentry and Transitional Housing Program.

On motion of Delegate Kessinger, the House 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 15A. DEPARTMENT OF MILITARY
AFFAIRS AND PUBLIC SAFETY.**

**“ARTICLE 4A. EXPANDED WORK RELEASE PILOT
PROGRAM.**

§15A-4A-1. Purpose of article and legislative findings. The purpose of this article is to establish an expanded required work release pilot program in no more than five locations in this state.

(a) The Legislature finds that the primary reasons for requiring participation in a work release program are to increase public protection while aiding the transition of the offender back into the community where he or she will be going with or without work

release program participation. Participating in work release may reduce the likelihood of recidivism by gradually reintroducing an offender to the community while providing security, structure, and supervision and providing necessary services.

(b) The Legislature further finds that participation in a work release program provides an transitional environment for offenders nearing the end of their sentences while maintaining structure, supervision, offender accountability, improved program opportunities, employment counseling and placement, substance abuse, and life skills training.

§15A-4A-2. Definitions.

As used in this article, unless the context clearly requires a different meaning, the term:

(1) ‘Commissioner’ means the commissioner of the Division of Corrections and Rehabilitation;

(2) ‘Division’ means the Division of Corrections and Rehabilitation;

(3) ‘Offender’ means a person sentenced to the custody of the Commissioner for service of a sentence of incarceration due to conviction of a felony or felonies.

§15A-4A-3. Expanded work release pilot program.

The Commissioner of the Division of Corrections and Rehabilitation is hereby authorized to establish a pilot program expanding available work release facilities to no more than a total of five locations be used for eligible offenders who are sentenced to serve a term of imprisonment in the custody of the commissioner and whom the commissioner requires to serve the last portion of their sentences in a work release facility in accordance with this article.

§15A-4A-4. Eligibility; Funding.

(a) An offender is eligible to participate in the work release program if he or she :

(1) Is 18 years of age or older;

(2) Is physically and psychologically able, as determined by the commissioner, to participate in the program: *Provided, That offenders with medical conditions or disabilities shall be eligible for work release placement.*

(3) Is directed by the Commissioner of Corrections to participate in the work release program; and

(4) Meets other criteria as the commissioner of the Division of Corrections and Rehabilitation may direct.

(b) The expansion of work release authorized by this article is subject to funds being appropriated by the legislature therefor or appropriated funds being redirected thereto.

§15A-4A-5. Limitations on eligibility for work release participation.

The following persons may not participate in the work release program:

(1) An offender who requires inpatient psychological or psychiatric treatment;

(2) An offender who refuses to participate in the Offender Financial Responsibility Program;

(3) An offender who refuses to participate in the Institution Release Preparation Program; and

(4) An offender determined by the commissioner, in his or her sole discretion, to pose a threat to the safety of another or to the community or to be an otherwise inappropriate candidate for participation in the program.

§15A-4A-6. Internal policy development.

(a) The commissioner shall develop operational procedures and policies for the work release program. The procedures and policies may, pursuant to §15A-3-12 of this code, allow the

division to partner with contractors to be established at multiple sites, which sites shall subject to the control and authority of the commissioner.

(b) The procedures and policies shall include the following:

(1) A period of Imprisonment in work release of no more than 6 months prior to release on parole or discharge which period of Imprisonment may include substance abuse education, mandatory employment or employment skills training, social skills training, and psychological evaluation and treatment. Additionally, the state Board of Education and State Superintendent of Schools, pursuant to section five, article twenty, chapter eighteen of this code, respectively, may, as funds are available, establish an education program for those eligible offenders who are not recipients of a high school diploma or a certificate of high school equivalency.

(2) Policies and procedures identifying the facilities subject to the control and authority of the commissioner that will be used for offenders serving a sentence in a work release program;

(3) Policies and procedures establishing additional criteria the commissioner deems necessary and appropriate to determine eligibility and of offenders to serve the last portion of his or her sentence in a work release program;

(4) Policies and procedures to effectuate notification to a sentencing court of the performance of an eligible offender serving part of his or her sentence in a work release facility; and

(5) Any other policies and procedures that are necessary for the proper operation of the program.

(c) Upon successful completion of the work release program, an offender shall be released on parole or discharged in accordance with this article.

(d) An offender who does not satisfactorily complete the work release program shall be removed from the program and returned to serve the remainder of his or her sentence in a facility designated by the commissioner.

§15A-4A-7. Funding and financial implications.

Funding for the expanded work release pilot program may be derived from the state's general revenue fund or budget assigned annually to the division.

And,

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

H. B. 3304 – “A Bill to amend the Code of West Virginia 1931 as amended, by adding thereto a new article, designated §15A-4A-1, 15A-4A-2, 15A-4A-3, 15A-4A-4, 15A-4A-5, 15A-4A-6 and 15A-4A-7, all relating generally to creating an expanded required work release pilot project within the Division of Corrections and Rehabilitation; stating the purposes of the article, setting forth findings; limiting programs to no more than five locations; defining terms; establishing eligibility and ineligibility criteria; directing the commissioner to establish policies and procedures; and providing for the return offenders who do not successfully complete work release to other facilities.”

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. 613**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

Nays: Foster, Jennings, Kimes and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3304) passed.

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

On this question, the yeas and nays were taken (**Roll No. 614**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: Kimes.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3304) takes effect from its passage.

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

A message from the Senate, by

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

Com. Sub. for S. B. 684, Adding Curator of Division of Arts, Culture, and History as ex officio voting member to Library Commission.

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

Com. Sub. for S. B. 684 – “A Bill to amend and reenact §10-1-12 of the Code of West Virginia, 1931, as amended, relating to the State Library Commission; adding the Curator of the West Virginia Department of Arts, Culture and History as an ex officio voting member; and updating other language.”

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. 615**), and there were—yeas 88, nays 12, absent and not voting none, with the nays being as follows:

Nays: Barach, Bruce, Doyle, Fast, Fluharty, Kimes, Pushkin, Thompson, Walker, Williams, Young and Zukoff.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 684) passed.

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

At the request of Delegate Summers, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introducing resolutions.

Resolutions Introduced

Delegates Kimble, Barnhart, Bridges, Bruce, Conley, Cooper, Foster, Hanna, Holstein, Horst, Householder, Jennings, J. Kelly, Longanacre, Mallow, Martin, Maynard, Mazzocchi, McGeehan, J. Pack, Phillips, Pinson, Reed, Reynolds, Sypolt, Tully, Wamsley, G. Ward and Worrell offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 112 - "Requesting the Joint Committee on Government and Finance to study the effects of the United State House of Representatives House Resolution 1814, passed during the 117th Congress, which authorizes the Secretary of Education to make grants to support educational programs in civics and history, and for other purposes."

Whereas, The United State House of Representatives passed House Resolution 1814 during the 117th Congress; and

Whereas, This resolution authorizes the Secretary of Education to make grants to support educational programs in civics and history, and for other purposes; and

Whereas, This resolution may have a fiscal impact on the State of West Virginia; and

Whereas, This resolution creates a need to evaluate the state's current educational standards to see if they align with the newly created mandates; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance shall undertake a study of the state's current educational standards as

related to the requirements of House Resolution 1814, determining whether or not they meet the newly passed requirements, and further studying what fiscal impact this resolution will have on the State of West Virginia; and, be it

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

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

Delegate Hanshaw (Mr. Speaker) offered the following resolution, which was reported by the Clerk as follows:

H. C. R. 113 - "Extending the regular session of the Legislature, 2021."

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the first regular session of the Eighty-fifth Legislature, 2021, is hereby extended pursuant to section twenty-two, article VI of the Constitution of the State of West Virginia, until and including the tenth day of May, 2021, for reconsideration of any bills vetoed or disapproved by the Governor and any budget bill or supplementary appropriation bill vetoed, disapproved or reduced by the Governor as to any item or part or as to the entire bill; and, be it

Further Resolved, That when adjournment is taken by the two houses of the Legislature at the close of their respective sessions on the tenth day of April, 2021, such adjournment shall be until the date and time of reconvening specified by the presiding officers of the House of Delegates and Senate.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. C. R. 113) to a committee was dispensed with, and it was taken up for immediate consideration and put upon its adoption.

The question now being on the adoption of the resolution, the yeas and nays were taken (**Roll No. 616**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the resolution (H. C. R. 113) adopted.

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

Delegate Hanshaw (Mr. Speaker) offered the following resolution, which was reported by the Clerk as follows:

H. C. R. 114 – “Providing for an adjournment of the Legislature until May 10, 2021.”

Resolved by the Legislature of West Virginia:

That when adjournment is taken by the two houses of the Legislature at the close of their respective sessions on April 10, 2021, such adjournment shall be until May 10, 2021, pursuant to section 23, article VI of the Constitution of the State of West Virginia, unless called prior to that time by the presiding officers of the House of Delegates and Senate.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. C. R. 114) to a committee was dispensed with, and it was taken up for immediate consideration, and adopted.

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

At 2:48 p.m., on motion of Delegate Summers, the House of Delegates recessed until 4:00 p.m.

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Afternoon Session

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-continued-

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

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. 2363, Relating to “Best Interests of the Child Protection Act of 2021”.

On motion of Delegate Kessinger, the House concurred in the following amendment by the Senate, with further amendment:

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

“CHAPTER 48. DOMESTIC RELATIONS.

ARTICLE 1. GENERAL PROVISIONS, DEFINITIONS.

§48-1-220. Decision-making responsibility defined.

‘Decision-making responsibility’ refers to authority for making significant life decisions on behalf of a child, including, but not limited to, the child’s education, spiritual guidance and health care; Provided, That with regard to healthcare, both parents in any shared parenting plan, regardless of the relative ratio of parenting time allocated between the parents, shall have the authority to make emergency or other non-elective healthcare decisions concerning

their child necessary for the child's health or welfare during such parent's parenting time.

§48-1-239. Shared parenting defined.

(a) 'Shared parenting' means either basic shared parenting or extended shared parenting.

(b) 'Basic shared parenting' means an arrangement under which one parent keeps a child or children overnight for less than 35 percent of the year and under which both parents contribute to the expenses of the child or children in addition to the payment of child support.

(c) 'Extended shared parenting' means an arrangement under which each parent keeps a child or children overnight for more than 35 percent of the year and under which both parents contribute to the expenses of the child or children in addition to the payment of child support.

(d) In any case where, in the absence of an agreement between the parents, a court orders shared parenting at a ratio of, or further disparate than, 65 percent to 35 percent, the order shall be in writing and include specific findings of fact supporting the court's determination.

§48-1-239a. Shared legal custody defined.

'Shared legal custody' means a continued mutual responsibility and involvement by both parents in major decisions regarding the child's welfare including matters of education, medical care, and emotional, moral, and religious development consistent with the provisions of §48-9-207 of this code.

§48-1-239b. Sole legal custody defined.

'Sole legal custody' means that one parent has the right and responsibility to make major decisions regarding the child's welfare including matters of education, non-emergency medical care, and emotional, moral, and religious development.

§48-1-241a. Shared physical custody defined.

‘Shared physical custody’ means a child has periods of residing with, and being under the supervision of, each parent consistent with the provisions of §48-9-206 of this code: *Provided*, That physical custody shall be shared by the parents in such a way as to assure a child has frequent and continuing contact with both parents. Such frequent and continuing contact with both parents is rebuttably presumed to be in the best interests of the child unless the evidence shows otherwise.

§48-1-241b. Sole physical custody defined.

‘Sole physical custody’ means a child resides with and is under the supervision of one parent, subject to reasonable visitation by the other parent, unless the court determines that the visitation would not be in the best interests of the child.

ARTICLE 9. ALLOCATION OF CUSTODIAL RESPONSIBILITY AND DECISION-MAKING RESPONSIBILITY OF CHILDREN.**§48-9-102. Objectives; best interests of the child.**

(a) The primary objective of this article is to serve the child’s best interests, by facilitating:

- (1) Stability of the child;
- (2) Parental planning and agreement about the child’s custodial arrangements and upbringing;
- (3) Continuity of existing parent-child attachments;
- (4) Meaningful contact between a child and each parent;
- (5) Caretaking and parenting relationships by adults who love the child, know how to provide for the child’s needs, and who place a high priority on doing so;
- (6) Security from exposure to physical or emotional harm; ~~and~~

(7) Expeditious, predictable decision-making and avoidance of prolonged uncertainty respecting arrangements for the child's care and control; and

(8) Meaningful contact between a child and his or her siblings, including half-siblings.

(b) A secondary objective of article is to achieve fairness between the parents.

§48-9-105. Venue for custodial allocation actions independent of divorce.

(a) Venue for the initial determination of custodial allocation or child custody determination within a divorce action shall be governed by §48-5-106 or §48-20-101 et seq. of this code, or both.

(b) Venue for the initial determination of custodial allocation or child custody determination as between parties who reside in separate states shall be governed by §48-20-101 et seq. of this code.

(c) Venue for modification of custodial allocation or modification of child custody determination which was previously determined in a tribunal of a state other than West Virginia shall be governed by §48-20-101 et seq. of this code.

(d) When all persons with potential custodial responsibility reside within the State of West Virginia and the home state of the child is West Virginia as defined in §48-20-102(g) of this code:

(1) Venue for an initial determination of custodial allocation shall be properly had in the county where the parties and the child last resided together or in the child's home county, which is where the child has resided for at least six consecutive months or since birth. If a child, over the age of six months, has not resided in any county for six consecutive months, then venue lies in the county where the respondent resides at the time of the filing of the action.

(2) Venue for a modification of custodial allocation remains in the county in which the initial custodial allocation was determined until such time as:

(A) Neither the child nor any person with custodial responsibility has resided in the county where the initial custodial allocation was determined for a period of not less than six months preceding the filing of the modification action; neither the child nor any person with custodial responsibility resides within 40 miles of the county seat of the county where the initial custodial allocation was determined; a modification action has been filed in the county where the initial custodial allocation was determined; and a motion to change venue to the residence of the responding party has been filed.

(B) If the conditions of paragraph (A) of this subdivision are satisfied, the matter shall be transferred to the family court in the responding party's county of residence; or

(C) If the conditions of paragraph (A) of this subdivision are met and all parties consent, the matter may be transferred to the family court in the petitioning party's county of residence.

§48-9-203. Proposed temporary parenting plan; temporary order; amendment; vacation of order.

(a) A parent seeking a temporary order relating to parenting shall file and serve a proposed temporary parenting plan by motion. The other parent, if contesting the proposed temporary parenting plan, shall file and serve a responsive proposed parenting plan. Either parent may move to have a proposed temporary parenting plan entered as part of a temporary order. The parents may enter an agreed temporary parenting plan at any time as part of a temporary order. The proposed temporary parenting plan may be supported by relevant evidence and shall be verified and shall state at a minimum the following:

(1) The name, address and length of residence with the person or persons with whom the child has lived for the preceding twelve months;

(2) The performance by each parent during the last 12 months of the parenting functions relating to the daily needs of the child;

(3) The parents' work and child-care schedules for the preceding twelve months;

(4) The parents' current work and child-care schedules; and

(5) Any of the circumstances set forth in ~~section 9-209~~ §48-9-209 of this code that are likely to pose a serious risk to the child and that warrant limitation on the award to a parent of temporary residence or time with the child pending entry of a permanent parenting plan.

(b) At the hearing, the court shall enter a temporary parenting order incorporating a temporary parenting plan which includes:

(1) A schedule for the child's time with each parent when appropriate;

(2) Designation of a temporary residence for the child;

(3) Allocation of decision-making authority, if any. Absent allocation of decision-making authority consistent with ~~section two hundred seven of this article~~ §48-9-207 of this code, neither party shall make any decision for the child other than those relating to day-to-day or emergency care of the child, which shall be made by the party who is present with the child;

(4) Provisions for temporary support for the child; ~~and~~

(5) Restraining orders, if applicable; and

(6) Specific findings of fact upon which the court bases its determinations.

(c) A parent may make a motion for an order to show cause and the court may enter a temporary order, including a temporary parenting plan, upon a showing of necessity.

(d) A parent may move for amendment of a temporary parenting plan, and the court may order amendment to the temporary parenting plan, if the amendment conforms to the limitations of ~~section 9-209~~ §48-9-209 of this code and is in the best interest of the child. The court's order modifying the plan

shall be in writing and contain specific findings of fact upon which the court bases its determinations.

§48-9-204. Criteria for temporary parenting plan.

(a) After considering the proposed temporary parenting plan filed pursuant to ~~section 9-203~~ §48-9-203 of this code and other relevant evidence presented, the court shall make a temporary parenting plan that is in the best interest of the child, which shall be in writing and contain specific findings of fact upon which the court bases its determinations. In making this determination, the court shall give particular consideration to:

(1) Which parent has taken greater responsibility during the last 12 months for performing caretaking and/or parenting functions relating to the daily needs of the child; and

(2) Which parenting arrangements will cause the least disruption to the child's emotional stability while the action is pending.

(b) The court shall also consider the factors used to determine residential provisions in the permanent parenting plan.

(c) Upon credible evidence of one or more of the circumstances set forth in ~~subsection 9-209(a)~~ §48-9-209(a) of this code, the court shall issue a temporary order limiting or denying access to the child as required by that section, in order to protect the child or the other party, pending adjudication of the underlying facts. The temporary order shall be in writing and include specific findings of fact supporting the court's determination.

(d) Expedited procedures shall be instituted to facilitate the prompt issuance of a parenting plan.

§48-9-206. Allocation of custodial responsibility.

(a) Unless otherwise resolved by agreement of the parents under §48-9-201 of this code or unless harmful to the child, the court shall allocate custodial responsibility so that, except to the extent required under §48-9-209 of this code, the custodial time the

child spends with each parent may be expected to achieve any of the following objectives:

(1) To permit the child to have a meaningful relationship with each parent who has performed a reasonable share of parenting functions;

(2) To accommodate, if the court determines it is in the best interests of the child, the firm and reasonable preferences of a child who is 14 years of age or older; and to accommodate, if the court determines it is in the best interests of the child, the firm and reasonable preferences of a child under 14 years of age, but sufficiently matured that he or she can intelligently express a voluntary preference for one parent;

(3) To keep siblings together when the court finds that doing so is necessary to their welfare;

(4) To protect the child's welfare when, under an otherwise appropriate allocation, the child would be harmed because of a gross disparity in the quality of the emotional attachments between each parent and the child, or in each parent's demonstrated ability or availability to meet a child's needs;

(5) To take into account any prior agreement of the parents that, under the circumstances as a whole, including the reasonable expectations of the parents in the interest of the child, would be appropriate to consider;

(6) To avoid an allocation of custodial responsibility that would be extremely impractical or that would interfere substantially with the child's need for stability in light of economic, physical, or other circumstances, including the distance between the parents' residences, the cost and difficulty of transporting the child, the parents' and child's daily schedules, and the ability of the parents to cooperate in the arrangement;

(7) To apply the principles set forth in §48-9-403(d) of this code if one parent relocates or proposes to relocate at a distance that will impair the ability of a parent to exercise the amount of

custodial responsibility that would otherwise be ordered under this section;

(8) To consider the stage of a child's development; ~~and~~

(9) To consider which parent will encourage and accept a positive relationship between the child and the other parent, including which parent is more likely to keep the other parent involved in the child's life and activities;

(10) To take into account the preference that time allocated to the parent resulting in the child being under the care and custody of that parent is preferred to time allocated to the parent resulting in the child being under the care or custody of a family member of that parent or a third party; and

(11) To allow reasonable access to the child by telephone or other electronic contact, which shall be defined in the parenting plan.

(b) The court may consider the allocation of custodial responsibility arising from temporary agreements made by the parties after separation if the court finds, by a preponderance of the evidence, that such agreements were consensual. The court shall afford those temporary consensual agreements the weight the court believes the agreements are entitled to receive, based upon the evidence. The court may not consider the temporary allocation of custodial responsibility imposed by a court order on the parties.

(c) If the court is unable to allocate custodial responsibility under §48-9-206(a) of this code because the allocation under §48-9-206(a) of this code would be harmful to the child, or because there is no history of past performance of caretaking functions, as in the case of a newborn, or because the history does not establish a pattern of caretaking sufficiently dispositive of the issues of the case, the court shall allocate custodial responsibility based on the child's best interest, taking into account the factors in considerations that are set forth in this section and in §48-9-209 and §48-9-403(d) of this code and preserving to the extent possible this section's priority on the share of past caretaking functions each

parent performed; Provided, That if either parent or both has demonstrated reasonable participation in parenting functions as defined in §48-1-235.2 of this code, the court cannot rely solely on caretaking functions, and shall consider the parents' participation in parenting functions.

(d) In determining how to schedule the custodial time allocated to each parent, the court shall take account of the economic, physical, and other practical circumstances such as those listed in §48-9-206(a)(6) of this code.

(e) In the absence of an agreement of the parents, the court's determination of allocation of custodial responsibility under this section shall be made pursuant to a hearing, which shall not be conducted exclusively by the presentation of evidence by proffer. The court's order determining allocation of custodial responsibility shall be in writing, and include specific findings of fact supporting the determination.

§48-9-207. Allocation of significant decision-making responsibility.

(a) Unless otherwise resolved by agreement of the parents under ~~section 9-201~~ §48-9-201 of this code, the court shall allocate responsibility for making significant life decisions on behalf of the child, including the child's education and health care, to one parent or to two parents jointly, in accordance with the child's best interest, in light of:

(1) The allocation of custodial responsibility under ~~section 9-206 of this article~~ §48-9-206 of this code;

(2) The level of each parent's participation in past decision-making on behalf of the child;

(3) The wishes of the parents;

(4) The level of ability and cooperation the parents have demonstrated in decision-making on behalf of the child;

(5) Prior agreements of the parties; and

(6) The existence of any limiting factors, as set forth in section 9-209 of this article.

(b) If each of the child's legal parents has been exercising a reasonable share of parenting functions for the child, the court shall presume that an allocation of decision-making responsibility to both parents jointly is in the child's best interests. The presumption is overcome if there is a history of domestic abuse, neglect, or abandonment, or by a showing that joint allocation of decision-making responsibility is not in the child's best interest: Provided, That the court's determination shall be in writing and include specific findings of fact supporting any determination that joint allocation of decision-making responsibility is not in the child's best interest.

(c) Unless otherwise provided or agreed by the parents, each parent who is exercising custodial responsibility shall be given sole responsibility for day-to-day decisions for the child, while the child is in that parent's care and control, including emergency decisions affecting the health and safety of the child.

PART 2 – PARENTING PLANS

§48-9-209. Parenting plan; limiting factors.

(a) If either of the parents so requests, or upon receipt of credible information thereof, the court shall determine whether a parent who would otherwise be allocated responsibility under a parenting plan:

(1) Has abused, neglected or abandoned a child, as defined by state law;

(2) Has sexually assaulted or sexually abused a child as those terms are defined in ~~articles eight b and eight d, chapter sixty one~~ §61-8B-1 et seq. and §61-8D-1 et seq. of this code;

(3) Has committed domestic violence, as defined in ~~section 27-202~~ §48-27-202 of this code;

(4) Has ~~interfered persistently with the other parent's access to the child, overtly or covertly, persistently violated, interfered with, impaired, or impeded the rights of a parent or a child with respect to the exercise of shared authority, residence, visitation, or other contact with the child,~~ except in the case of actions taken for the purpose of protecting the safety of the child or the interfering parent or another family member, pending adjudication of the facts underlying that belief; or

(5) Has made one or more fraudulent reports of domestic violence or child abuse: *Provided*, That a person's withdrawal of or failure to pursue a report of domestic violence or child support shall not alone be sufficient to consider that report fraudulent.

(b) If a parent is found to have engaged in any activity specified by subsection (a) of this section, the court shall impose limits that are reasonably calculated to protect the child or child's parent from harm. The limitations that the court shall consider include, but are not limited to:

(1) An adjustment of the custodial responsibility of the parents, including but not limited to:

(A) Increased parenting time with the child to make up for any parenting time the other parent lost as a result of the proscribed activity;

(B) An additional allocation of parenting time in order to repair any adverse effect upon the relationship between the child and the other parent resulting from the proscribed activity; or

(C) The allocation of exclusive custodial responsibility to one of them;

(2) Supervision of the custodial time between a parent and the child;

(3) Exchange of the child between parents through an intermediary, or in a protected setting;

(4) Restraints on the parent from communication with or proximity to the other parent or the child;

(5) A requirement that the parent abstain from possession or consumption of alcohol or nonprescribed drugs while exercising custodial responsibility and in the twenty-four hour period immediately preceding such exercise;

(6) Denial of overnight custodial responsibility;

(7) Restrictions on the presence of specific persons while the parent is with the child;

(8) A requirement that the parent post a bond to secure return of the child following a period in which the parent is exercising custodial responsibility or to secure other performance required by the court;

(9) A requirement that the parent complete a program of intervention for perpetrators of domestic violence, for drug or alcohol abuse, or a program designed to correct another factor; or

(10) Any other constraints or conditions that the court deems necessary to provide for the safety of the child, a child's parent or any person whose safety immediately affects the child's welfare.

(c) If a parent is found to have engaged in any activity specified in subsection (a) of this section, the court may not allocate custodial responsibility or decision-making responsibility to that parent without making special written findings that the child and other parent can be adequately protected from harm by such limits as it may impose under subsection (b) of this section. The parent found to have engaged in the behavior specified in subsection (a) of this section has the burden of proving that an allocation of custodial responsibility or decision-making responsibility to that parent will not endanger the child or the other parent.

(d) If the court determines, based on the investigation described in part three of this article or other evidence presented to it, that an accusation of child abuse or neglect, or domestic violence made during a child custody proceeding is false and the parent making

the accusation knew it to be false at the time the accusation was made, the court may order reimbursement to be paid by the person making the accusations of costs resulting from defending against the accusations. Such reimbursement may not exceed the actual reasonable costs incurred by the accused party as a result of defending against the accusation and reasonable attorney's fees incurred.

(e) (1) A parent who believes he or she is the subject of activities by the other parent described in subdivision (5) of subsection (a), may move the court pursuant to subdivision (4), subsection (b), section one hundred and one, article five, chapter forty-nine of this code for the Department of Health and Human Resources to disclose whether the other parent was the source of the allegation and, if so, whether the department found the report to be:

- (A) Substantiated;
- (B) Unsubstantiated;
- (C) Inconclusive; or
- (D) Still under investigation.

(2) If the court grants a motion pursuant to this subsection, disclosure by the Department of Health and Human Resources shall be in camera. The court may disclose to the parties information received from the department only if it has reason to believe a parent knowingly made a false report.

PART 3. FACT FINDING.

§48-9-301. Court-ordered investigation.

(a) In its discretion, the court may order a written investigation and report to assist it in determining any issue relevant to proceedings under this article: Provided, That the court must serve notice to all parties of the court's order. The investigation and report may be made by the guardian ad litem, the staff of the court, or other professional social service organization experienced in

counseling children and families; Provided, That the court shall identify to all parties the identity of the assigned investigator, and the investigator shall be a compulsory witness for any party desiring to call the witness for hearing testimony. The court shall specify the scope and objective of the investigation or evaluation and the authority of the investigator.

(b) In preparing the report concerning a child, the investigator may consult any person who may have information about the child and the potential parenting or custodian arrangements; Provided, That the person(s) consulted by the investigator shall be identified to the parties and may be subject to discovery. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's custodian; but the child's consent must be obtained if the child has reached the age of twelve, unless the court finds that the child lacks mental capacity to consent. If the requirements of subsection (c) of this section are fulfilled, the investigator's report may be received in evidence at the hearing.

(c) The investigator shall deliver the investigator's report to counsel and to any party not represented by counsel at least 10 days prior to the hearing unless a shorter time is ordered by the court for good cause shown; Provided, That in no event shall the hearing take place until after the report has been provided to the parties. The court may grant a continuance, upon motion by a party showing good cause that discovery cannot be adequately completed within 10 days. The investigator shall make available to counsel and to any party not represented by counsel the investigator's file of underlying data and reports, records or documents reviewed or relied upon by the investigator, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection (b) of this section, and the names and addresses of all persons whom the investigator has consulted. Any party to the proceeding may call as a hearing witness the investigator and any person whom the investigator has consulted

for cross-examination. A party may not waive the right of cross-examination prior to the hearing.

(d) Services and tests ordered under this section shall be ordered only if at no cost to the individuals involved, or at a cost that is reasonable in light of the available financial resources.

PART 4. MODIFICATION OF PARENTING PLAN.

§48-9-403. Relocation of a parent.

~~(a) The relocation of a parent constitutes a substantial change in the circumstances under subsection 9-401(a) of the child only when it significantly impairs either parent's ability to exercise responsibilities that the parent has been exercising.~~

~~(b) Unless otherwise ordered by the court, a parent who has responsibility under a parenting plan who changes, or intends to change, residences for more than ninety days must give a minimum of sixty days' advance notice, or the most notice practicable under the circumstances, to any other parent with responsibility under the same parenting plan. Notice shall include:~~

~~(1) The relocation date;~~

~~(2) The address of the intended new residence;~~

~~(3) The specific reasons for the proposed relocation;~~

~~(4) A proposal for how custodial responsibility shall be modified, in light of the intended move; and~~

~~(5) Information for the other parent as to how he or she may respond to the proposed relocation or modification of custodial responsibility.~~

~~Failure to comply with the notice requirements of this section without good cause may be a factor in the determination of whether the relocation is in good faith under subsection (d) of this section and is a basis for an award of reasonable expenses and reasonable attorney's fees to another parent that are attributable to such failure.~~

~~The Supreme Court of Appeals shall make available through the offices of the circuit clerks and the secretary clerks of the family courts a form notice that complies with the provisions of this subsection. The Supreme Court of Appeals shall promulgate procedural rules that provide for an expedited hearing process to resolve issues arising from a relocation or proposed relocation.~~

~~(c) When changed circumstances are shown under subsection (a) of this section, the court shall, if practical, revise the parenting plan so as to both accommodate the relocation and maintain the same proportion of custodial responsibility being exercised by each of the parents. In making such revision, the court may consider the additional costs that a relocation imposes upon the respective parties for transportation and communication, and may equitably allocate such costs between the parties.~~

~~(d) When the relocation constituting changed circumstances under subsection (a) of this section renders it impractical to maintain the same proportion of custodial responsibility as that being exercised by each parent, the court shall modify the parenting plan in accordance with the child's best interests and in accordance with the following principles:~~

~~(1) A parent who has been exercising a significant majority of the custodial responsibility for the child should be allowed to relocate with the child so long as that parent shows that the relocation is in good faith for a legitimate purpose and to a location that is reasonable in light of the purpose. The percentage of custodial responsibility that constitutes a significant majority of custodial responsibility is seventy percent or more. A relocation is for a legitimate purpose if it is to be close to significant family or other support networks, for significant health reasons, to protect the safety of the child or another member of the child's household from significant risk of harm, to pursue a significant employment or educational opportunity or to be with one's spouse who is established, or who is pursuing a significant employment or educational opportunity, in another location. The relocating parent has the burden of proving of the legitimacy of any other purpose. A move with a legitimate purpose is reasonable unless its purpose is shown to be substantially achievable without moving or by~~

moving to a location that is substantially less disruptive of the other parent's relationship to the child.

(2) If a relocation of the parent is in good faith for legitimate purpose and to a location that is reasonable in light of the purpose and if neither has been exercising a significant majority of custodial responsibility for the child, the court shall reallocate custodial responsibility based on the best interest of the child, taking into account all relevant factors including the effects of the relocation on the child.

(3) If a parent does not establish that the purpose for that parent's relocation is in good faith for a legitimate purpose into a location that is reasonable in light of the purpose, the court may modify the parenting plan in accordance with the child's best interests and the effects of the relocation on the child. Among the modifications the court may consider is a reallocation of primary custodial responsibility, effective if and when the relocation occurs, but such a reallocation shall not be ordered if the relocating parent demonstrates that the child's best interests would be served by the relocation.

(4) The court shall attempt to minimize impairment to a parent-child relationship caused by a parent's relocation through alternative arrangements for the exercise of custodial responsibility appropriate to the parents' resources and circumstances and the developmental level of the child.

(e) In determining the proportion of caretaking functions each parent previously performed for the child under the parenting plan before relocation, the court may not consider a division of functions arising from any arrangements made after a relocation but before a modification hearing on the issues related to relocation.

(f) In determining the effect of the relocation or proposed relocation on a child, any interviewing or questioning of the child shall be conducted in accordance with the provisions of rule 17 of the rules of practice and procedure for family law as promulgated by the Supreme Court of Appeals.

(a) The relocation of a parent constitutes a substantial change in the circumstances of the child under §48-9-401(a) of this code when it impairs either parent's ability to exercise responsibilities that the parent has been exercising, or when it impairs the schedule of custodial allocation that has been ordered by the court for a parent or any other person.

(b) A parent who has responsibility under a parenting plan who changes, or intends to change, residences must file a verified petition with the court for modification of the parenting plan, and cause a copy of the same to be served upon the other parent and upon all other persons who, pursuant to the court's order in effect at the time of the petition, have been allocated custodial time with the child. The petition shall be filed at least 90 days prior to any relocation, and the summons must be served at least 60 days in advance of any relocation, unless the relocating parent establishes that it was impracticable under the circumstances to provide such notice 90 days in advance. The verified petition shall include:

(1) The proposed relocation date;

(2) The address of the intended new residence;

(3) The specific reasons for the proposed relocation;

(4) A proposal for how custodial responsibility shall be modified, in light of the intended move; and

(5) A request for a hearing.

Failure to comply with the requirements of this section may be a factor in the determination of whether the relocation is in good faith under subsection (d) of this section, and may also be a basis for reallocation of the primary residence and custodial responsibility for the child and for an award of reasonable expenses and reasonable attorney's fees to another parent or another person exercising custodial responsibility for the child pursuant to an order of the court that are attributable to such failure.

(c) A hearing on the petition shall be held by the court at least 30 days in advance of the proposed date of relocation. A parent

proposing to relocate may move for an expedited hearing upon the petition in circumstances under which the parent needs an answer expeditiously. If the hearing is held fewer than 30 days in advance of the proposed date of relocation, the court's order shall include findings of fact as to why the hearing was not held at least 30 days prior to the petition's proposed date of relocation. After a hearing upon a petition filed under this section, the court shall, if practical, revise the parenting plan so as to both accommodate the relocation and maintain the same proportion of custodial responsibility being exercised by each of the parents and all such other persons exercising custodial responsibility for the child pursuant to the order of the court. In making such revision, the court may consider the additional costs that a relocation imposes upon the respective parties for transportation and communication, and may equitably allocate such costs between the parties and may consider §48-13-702 of this code authorizing the court to disregard the child support formula relating to long distance visitation costs.

(d) (1) At the hearing held pursuant to this section, the relocating parent has the burden of proving that: (A) The reasons for the proposed relocation are legitimate and made in good faith; (B) that allowing relocation of the relocating parent with the child is in the best interests of the child as defined in §48-9-102 of this code; and (C) that there is no reasonable alternative, other than the proposed relocation, available to the relocating parent that would be in the child's best interests and less disruptive to the child.

(2) A relocation is for a legitimate purpose if it is to be close to immediate family members, for substantial health reasons, to protect the safety of the child or another member of the child's household from significant risk of harm, to pursue a significant employment or educational opportunity, or to be with one's spouse or significant other with whom the relocating parent has cohabitated for at least a year, who is established, or who is pursuing a significant employment or educational opportunity, in another location.

(3) The relocating parent has the burden of proving the proposed relocation is for one of these legitimate purposes. The relocating parent has the burden of proving the legitimacy of any

other purpose. A move with a legitimate purpose is unreasonable unless the relocating parent proves that the purpose is not substantially achievable without moving, and that moving to a location that is substantially less disruptive of the other parent's relationship to the child is not feasible.

(4) When the relocation is for a legitimate purpose, in good faith, and renders it impractical to maintain the same proportion of custodial responsibility as that being exercised by each parent and all other persons exercising custodial responsibility for the child pursuant to an order of the court, the court shall modify the parenting plan in accordance with the child's best interests.

(5) If the relocating parent does not establish that the purpose for that parent's relocation is made in good faith for a legitimate purpose to a location that is reasonable in light of the purpose, the court may modify the parenting plan in accordance with the child's best interests and the effects of the relocation on the child. Among the modifications the court may consider is a reallocation of primary custodial responsibility, to become effective if and when the parent's relocation occurs.

(6) The court shall attempt to minimize impairment to a parent-child relationship caused by a parent's relocation through alternative arrangements for the exercise of custodial responsibility appropriate to the parents' resources and circumstances and the developmental level of the child.

(e) If the parties file with the court a modified parenting plan signed by all the parties the court may enter an order modifying custodial responsibility in accordance with the parenting plan if the court determines that the parenting plan is in the best interest of the child to do so.

(f) Except in extraordinary circumstance articulated in the court's order, a relocation may not be considered until an initial permanent parenting plan is established.

(g) In determining the effect of the relocation or proposed relocation on a child, any interviewing or questioning of the child

shall be conducted in accordance with the provisions of Rule 17 of the Rules of Practice and Procedure for Family Court as promulgated by the Supreme Court of Appeals.

PART 6. MISCELLANEOUS PROVISIONS.

§48-9-601. Access to a child's records.

(a)(1) Each parent has full and equal access to a child's educational records absent a court order to the contrary. Neither parent may veto the access requested by the other parent. Educational records are academic, attendance and disciplinary records of public and private schools in all grades pre-kindergarten through 12 and any form of alternative school. Educational records are any and all school records concerning the child that would otherwise be properly released to the primary custodial parent, including, but not limited to, report cards and progress reports, attendance records, disciplinary reports, results of the child's performance on standardized tests and statewide tests and information on the performance of the school that the child attends on standardized statewide tests; curriculum materials of the class or classes in which the child is enrolled; names of the appropriate school personnel to contact if problems arise with the child; information concerning the academic performance standards, proficiencies, or skills the child is expected to accomplish; school rules, attendance policies, dress codes and procedures for visiting the school; and information about any psychological testing the school does involving the child.

(2) In addition to the right to receive school records, the nonresidential parent has the right to participate as a member of a parent advisory committee or any other organization comprised of parents of children at the school that the child attends.

(3) The nonresidential parent or noncustodial parent has the right to question anything in the child's record that the parent feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school.

(4) Each parent has a right to arrange appointments for parent-teacher conferences absent a court order to the contrary. Neither parent can be compelled against their will to exercise this right by attending conferences jointly with the other parent.

(b)(1) Each parent has full and equal access to a child's medical records and vital records absent a court order to the contrary. Neither parent may veto the access requested by the other parent. If necessary, either parent is required to authorize medical providers to release to the other parent copies of any and all information concerning medical care provided to the child which would otherwise be properly released to either parent.

(2) If the child is in the actual physical custody of one parent, that parent is required to promptly inform the other parent of any illness of the child which requires medical attention.

(3) Each parent is required to consult with the other parent prior to any elective surgery being performed on the child, and in the event emergency medical procedures are undertaken for the child which require the parental consent of either parent, if time permits, the other parent shall be consulted, or if time does not permit such consultation, the other parent shall be promptly informed of the emergency medical procedures: *Provided*, That nothing contained herein alters or amends the law of this state as it otherwise pertains to physicians or health care facilities obtaining parental consent prior to providing medical care or performing medical procedures.

(c)(1) Each parent has full and equal access to a child's juvenile court records, process and pleadings, absent a court order to the contrary. Neither parent may veto any access requested by the other parent. Juvenile court records are limited to those records which are normally available to a parent of a child who is a subject of the juvenile justice system.

(2) Each parent has the right to be notified by the other party if the minor child is the victim of an alleged crime, including the name of the investigating law-enforcement officer or agency, if known. There is no duty to notify if the party to be notified is the alleged perpetrator.

PART 6. MISCELLANEOUS PROVISIONS.

§48-9-603. Effect of enactment; operative dates.

(a) The enactment of this article, formerly enacted as article eleven of this chapter during the second extraordinary session of the 1999 Legislature, is prospective in operation unless otherwise expressly indicated.

(b) The provisions of ~~section 9-202~~ §48-9-202 of this code, insofar as they provide for parent education and mediation, became operative on January 1, 2000. Until that date, parent education and mediation with regard to custody issues were discretionary unless made mandatory under a particular program or pilot project by rule or direction of the Supreme Court of Appeals or a circuit court.

(c) The provisions of this article that authorize the court, in the absence of an agreement of the parents, to order an allocation of custodial responsibility and an allocation of significant decision-making responsibility became operative on January 1, 2000, at which time the primary caretaker doctrine was replaced with a system that allocates custodial and decision-making responsibility to the parents in accordance with this article. Any order entered prior to January 1, 2000, based on the primary caretaker doctrine remains in full force and effect until modified by a court of competent jurisdiction.

(d) The amendments to this chapter made during the 2021 session of the Legislature shall become applicable upon the effective date of those amendments. Those amendments shall not, without more, be considered a substantial change in the circumstances of the child or of one or both parents under §48-9-401 et seq. of this code. Any order entered prior to the effective date of those amendments remains in full force and effect until modified by a court of competent jurisdiction.”

And,

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

Com. Sub. for H. B. 2363 – “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto five new sections, designated §48-1-239a, §48-1-239b, §48-1-241a, §48-1-241b, and §48-9-105; to amend and reenact §48-1-220, §48-1-239, §48-9-102, §48-9-203, §48-9-204, §48-9-206, §48-9-207, §48-9-209, §48-9-301, §48-9-403, §48-9-601, §48-9-603 of said code, all relating to ‘Best Interests of the Child Protection Act of 2021’; providing definitions; amending definitions; clarifying the authority of parents to make emergency and non-elective healthcare decisions; requiring the court to consider parenting functions in determining best interests of the child; adding meaningful contact between a child and his or her siblings, including half-siblings, as an objective of the best interests of the child; providing for venue of custody actions outside of divorce proceedings; requiring the court to consider parenting functions in temporary parenting plans and allocation of custody; adding a preference time allocated to the parent resulting in the child being under the care of that parent is preferred to the parent resulting in time allocated to the parent resulting in the child being under the care of a third party as an objective in allocation determinations; adding an objective for reasonable access to the child by telephone or other electronic contact as an objective in allocation determinations; requiring that, in the absence of agreement of the parents, a final allocation determination must be made pursuant to hearing which cannot be conducted exclusively by presentation of evidence by proffer; adding neglect and abandonment as criteria that may overcome presumption that joint decision-making responsibility is in the best interests of the child; clarifying criteria of interference with the other parent’s relationship with the child; providing notice requirements during a court-ordered investigation; requires that a hearing cannot take place until after the investigation report is provided to the parties; allowing for continuance of a hearing following an investigation; providing a mechanism for the adjudication of requests for relocation of a parent with a child; providing circumstances for which relocation of a parent constitutes a substantial change in the circumstances of the child; requiring the relocating parent to file a verified petition for the court for modification of the parenting plan; identifying consequences of failure to comply with the requirements of this

section; requiring a copy of the petition to be served on the other parent and all other persons allocated custodial time with the child; establishing requirements for the petition for modification of the parenting plan; requiring a hearing to be held on the petition at least 30 days in advance of the proposed date of relocation; providing for an expedited hearing; authorizing the court to revise the parenting plan; authorizing the court to allocate costs between the parties; establishing the burden of proof for the relocating parent; defines when a relocation is for a legitimate purpose; establishing a move with a legitimate purpose is unreasonable unless the relocating parent proves that the purpose is not substantially achievable without moving and that moving to a location that is substantially less disruptive of the other parent's relationship to the child is not feasible; requiring the court to consider the best interests of the child when modifying the parenting plan; requiring the court to minimize impairment to a parent-child relationship caused by a parent's relocation through alternative arrangements; setting forth the opportunity for parties to file a modified parenting plan signed by all parties; conditionally requiring an initial permanent parenting plan to be established before a relocation is considered; requiring interviewing or questioning of the child to be conducted in accordance with Rule 17 of the Rules of Practice and Procedure for Family Court; providing for parental access to a child's vital records; requiring notice to the other party if the child is a victim of a crime unless the other party is the perpetrator; providing an effective date; providing that the 2021 amendments shall not, without more, be considered a substantial change in circumstances for modification of a parenting plan order; and providing that existing orders remain in effect unless modified by a court of competent jurisdiction.”

With the further amendment, sponsored by Delegate Foster, being as follows:

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

“CHAPTER 48. DOMESTIC RELATIONS.

ARTICLE 1. GENERAL PROVISIONS, DEFINITIONS.

§48-1-220. Decision-making responsibility defined.

‘Decision-making responsibility’ refers to authority for making significant life decisions on behalf of a child, including, but not limited to, the child’s education, spiritual guidance and health care; Provided, That with regard to healthcare, both parents in any shared parenting plan, regardless of the relative ratio of parenting time allocated between the parents, shall have the authority to make emergency or other non-elective healthcare decisions concerning their child necessary for the child’s health or welfare during such parent’s parenting time.

§48-1-239. Shared parenting defined.

(a) ‘Shared parenting’ means either basic shared parenting or extended shared parenting.

(b) ‘Basic shared parenting’ means an arrangement under which one parent keeps a child or children overnight for less than 35 percent of the year and under which both parents contribute to the expenses of the child or children in addition to the payment of child support.

(c) ‘Extended shared parenting’ means an arrangement under which each parent keeps a child or children overnight for more than 35 percent of the year and under which both parents contribute to the expenses of the child or children in addition to the payment of child support.

(d) In any case where, in the absence of an agreement between the parents, a court orders shared parenting; the order shall be in writing and include specific findings of fact supporting the Court’s determination

§48-1-239a. Shared legal custody defined.

‘Shared legal custody’ means a continued mutual responsibility and involvement by both parents in major decisions regarding the child’s welfare including matters of education, medical care, and emotional, moral, and religious development consistent with the provisions of §48-9-207 of this code.

§48-1-239b. Sole legal custody defined.

‘Sole legal custody’ means that one parent has the right and responsibility to make major decisions regarding the child’s welfare including matters of education, non-emergency medical care, and emotional, moral, and religious development.

§48-1-241a. Shared physical custody defined.

‘Shared physical custody’ means a child has periods of residing with, and being under the supervision of, each parent consistent with the provisions of §48-9-206 of this code: *Provided*, That physical custody shall be shared by the parents in such a way as to assure a child has frequent and continuing contact with both parents. Such frequent and continuing contact with both parents is rebuttably presumed to be in the best interests of the child unless the evidence shows otherwise.

§48-1-241b. Sole physical custody defined.

‘Sole physical custody’ means a child resides with and is under the supervision of one parent, subject to reasonable visitation by the other parent, unless the court determines that the visitation would not be in the best interests of the child.

ARTICLE 9. ALLOCATION OF CUSTODIAL RESPONSIBILITY AND DECISION-MAKING RESPONSIBILITY OF CHILDREN.**§48-9-102. Objectives; best interests of the child.**

(a) The primary objective of this article is to serve the child’s best interests, by facilitating:

- (1) Stability of the child;
- (2) Parental planning and agreement about the child’s custodial arrangements and upbringing;
- (3) Continuity of existing parent-child attachments;
- (4) Meaningful contact between a child and each parent;

(5) Caretaking and parenting relationships by adults who love the child, know how to provide for the child's needs, and who place a high priority on doing so;

(6) Security from exposure to physical or emotional harm; ~~and~~

(7) Expeditious, predictable decision-making and avoidance of prolonged uncertainty respecting arrangements for the child's care and control; and

(8) Meaningful contact between a child and his or her siblings, including half-siblings.

(b) A secondary objective of article is to achieve fairness between the parents.

§48-9-105. Venue for custodial allocation actions independent of divorce.

(a) Venue for the initial determination of custodial allocation or child custody determination within a divorce action shall be governed by §48-5-106 or §48-20-101 *et seq.* of this code, or both.

(b) Venue for the initial determination of custodial allocation or child custody determination as between parties who reside in separate states shall be governed by §48-20-101 *et seq.* of this code.

(c) Venue for modification of custodial allocation or modification of child custody determination which was previously determined in a tribunal of a state other than West Virginia shall be governed by §48-20-101 *et seq.* of this code.

§48-9-203. Proposed temporary parenting plan; temporary order; amendment; vacation of order.

(a) A parent seeking a temporary order relating to parenting shall file and serve a proposed temporary parenting plan by motion. The other parent, if contesting the proposed temporary parenting plan, shall file and serve a responsive proposed parenting plan. Either parent may move to have a proposed temporary parenting plan entered as part of a temporary order. The parents may enter an

agreed temporary parenting plan at any time as part of a temporary order. The proposed temporary parenting plan may be supported by relevant evidence and shall be verified and shall state at a minimum the following:

(1) The name, address and length of residence with the person or persons with whom the child has lived for the preceding twelve months;

(2) The performance by each parent during the last 12 months of the parenting functions relating to the daily needs of the child;

(3) The parents' work and child-care schedules for the preceding twelve months;

(4) The parents' current work and child-care schedules; and

(5) Any of the circumstances set forth in ~~section 9-209~~ §48-9-209 of this code that are likely to pose a serious risk to the child and that warrant limitation on the award to a parent of temporary residence or time with the child pending entry of a permanent parenting plan.

(b) At the hearing, the court shall enter a temporary parenting order incorporating a temporary parenting plan which includes:

(1) A schedule for the child's time with each parent when appropriate;

(2) Designation of a temporary residence for the child;

(3) Allocation of decision-making authority, if any. Absent allocation of decision-making authority consistent with ~~section two hundred seven of this article~~ §48-9-207 of this code, neither party shall make any decision for the child other than those relating to day-to-day or emergency care of the child, which shall be made by the party who is present with the child;

(4) Provisions for temporary support for the child; ~~and~~

(5) Restraining orders, if applicable; and

(6) Specific findings of fact upon which the court bases its determinations.

(c) A parent may make a motion for an order to show cause and the court may enter a temporary order, including a temporary parenting plan, upon a showing of necessity.

(d) A parent may move for amendment of a temporary parenting plan, and the court may order amendment to the temporary parenting plan, if the amendment conforms to the limitations of ~~section 9-209~~ §48-9-209 of this code and is in the best interest of the child. The court's order modifying the plan shall be in writing and contain specific findings of fact upon which the court bases its determinations.

§48-9-204. Criteria for temporary parenting plan.

(a) After considering the proposed temporary parenting plan filed pursuant to ~~section 9-203~~ §48-9-203 of this code and other relevant evidence presented, the court shall make a temporary parenting plan that is in the best interest of the child, which shall be in writing and contain specific findings of fact upon which the court bases its determinations. In making this determination, the court shall give particular consideration to:

(1) Which parent has taken greater responsibility during the last 12 months for performing caretaking and/or parenting functions relating to the daily needs of the child; and

(2) Which parenting arrangements will cause the least disruption to the child's emotional stability while the action is pending.

(b) The court shall also consider the factors used to determine residential provisions in the permanent parenting plan.

(c) Upon credible evidence of one or more of the circumstances set forth in ~~subsection 9-209(a)~~ §48-9-209(a) of this code, the court shall issue a temporary order limiting or denying access to the child as required by that section, in order to protect the child or the other party, pending adjudication of the underlying facts. The temporary

order shall be in writing and include specific findings of fact supporting the court's determination.

(d) Expedited procedures shall be instituted to facilitate the prompt issuance of a parenting plan.

§48-9-206. Allocation of custodial responsibility.

(a) Unless otherwise resolved by agreement of the parents under §48-9-201 of this code or unless harmful to the child, the court shall allocate custodial responsibility so that, except to the extent required under §48-9-209 of this code, the custodial time the child spends with each parent may be expected to achieve any of the following objectives:

(1) To permit the child to have a meaningful relationship with each parent who has performed a reasonable share of parenting functions;

(2) To accommodate, if the court determines it is in the best interests of the child, the firm and reasonable preferences of a child who is 14 years of age or older; and to accommodate, if the court determines it is in the best interests of the child, the firm and reasonable preferences of a child under 14 years of age, but sufficiently matured that he or she can intelligently express a voluntary preference for one parent;

(3) To keep siblings together when the court finds that doing so is necessary to their welfare;

(4) To protect the child's welfare when, under an otherwise appropriate allocation, the child would be harmed because of a gross disparity in the quality of the emotional attachments between each parent and the child, or in each parent's demonstrated ability or availability to meet a child's needs;

(5) To take into account any prior agreement of the parents that, under the circumstances as a whole, including the reasonable expectations of the parents in the interest of the child, would be appropriate to consider;

(6) To avoid an allocation of custodial responsibility that would be extremely impractical or that would interfere substantially with the child's need for stability in light of economic, physical, or other circumstances, including the distance between the parents' residences, the cost and difficulty of transporting the child, the parents' and child's daily schedules, and the ability of the parents to cooperate in the arrangement;

(7) To apply the principles set forth in §48-9-403(d) of this code if one parent relocates or proposes to relocate at a distance that will impair the ability of a parent to exercise the amount of custodial responsibility that would otherwise be ordered under this section;

(8) To consider the stage of a child's development; ~~and~~

(9) To consider which parent will encourage and accept a positive relationship between the child and the other parent, including which parent is more likely to keep the other parent involved in the child's life and activities;

(10) To take into account the preference that time allocated to the parent resulting in the child being under the care and custody of that parent is preferred to time allocated to the parent resulting in the child being under the care or custody of a family member of that parent or a third party; and

(11) To allow reasonable access to the child by telephone or other electronic contact, which shall be defined in the parenting plan.

(b) The court may consider the allocation of custodial responsibility arising from temporary agreements made by the parties after separation if the court finds, by a preponderance of the evidence, that such agreements were consensual. The court shall afford those temporary consensual agreements the weight the court believes the agreements are entitled to receive, based upon the evidence. The court may not consider the temporary allocation of custodial responsibility imposed by a court order on the parties.

(c) If the court is unable to allocate custodial responsibility under §48-9-206(a) of this code because the allocation under §48-9-206(a) of this code would be harmful to the child, or because there is no history of past performance of caretaking functions, as in the case of a newborn, or because the history does not establish a pattern of caretaking sufficiently dispositive of the issues of the case, the court shall allocate custodial responsibility based on the child's best interest, taking into account the factors in considerations that are set forth in this section and in §48-9-209 and §48-9-403(d) of this code and preserving to the extent possible this section's priority on the share of past caretaking functions each parent performed; Provided, That if either parent or both has demonstrated reasonable participation in parenting functions as defined in §48-1-235.2 of this code, the court cannot rely solely on caretaking functions, and shall consider the parents' participation in parenting functions.

(d) In determining how to schedule the custodial time allocated to each parent, the court shall take account of the economic, physical, and other practical circumstances such as those listed in §48-9-206(a)(6) of this code.

(e) In the absence of an agreement of the parents, the court's determination of allocation of custodial responsibility under this section shall be made pursuant to a hearing, which shall not be conducted exclusively by the presentation of evidence by proffer. The court's order determining allocation of custodial responsibility shall be in writing, and include specific findings of fact supporting the determination.

§48-9-207. Allocation of significant decision-making responsibility.

(a) Unless otherwise resolved by agreement of the parents under ~~section 9-201~~ §48-9-201 of this code, the court shall allocate responsibility for making significant life decisions on behalf of the child, including the child's education and health care, to one parent or to two parents jointly, in accordance with the child's best interest, in light of:

(1) The allocation of custodial responsibility under ~~section 9-206 of this article~~ §48-9-206 of this code;

(2) The level of each parent's participation in past decision-making on behalf of the child;

(3) The wishes of the parents;

(4) The level of ability and cooperation the parents have demonstrated in decision-making on behalf of the child;

(5) Prior agreements of the parties; and

(6) The existence of any limiting factors, as set forth in section 9-209 of this article.

(b) If each of the child's legal parents has been exercising a reasonable share of parenting functions for the child, the court shall presume that an allocation of decision-making responsibility to both parents jointly is in the child's best interests. The presumption is overcome if there is a history of domestic abuse, neglect, or abandonment, or by a showing that joint allocation of decision-making responsibility is not in the child's best interest: Provided, That the court's determination shall be in writing and include specific findings of fact supporting any determination that joint allocation of decision-making responsibility is not in the child's best interest.

(c) Unless otherwise provided or agreed by the parents, each parent who is exercising custodial responsibility shall be given sole responsibility for day-to-day decisions for the child, while the child is in that parent's care and control, including emergency decisions affecting the health and safety of the child.

PART 2 – PARENTING PLANS

§48-9-209. Parenting plan; limiting factors.

(a) If either of the parents so requests, or upon receipt of credible information thereof, the court shall determine whether a

parent who would otherwise be allocated responsibility under a parenting plan:

(1) Has abused, neglected or abandoned a child, as defined by state law;

(2) Has sexually assaulted or sexually abused a child as those terms are defined in ~~articles eight b and eight d, chapter sixty one~~ §61-8B-1 et seq. and §61-8D-1 et seq. of this code;

(3) Has committed domestic violence, as defined in ~~section 27-202~~ §48-27-202 of this code;

(4) Has ~~interfered persistently with the other parent's access to the child,~~ overtly or covertly, persistently violated, interfered with, impaired, or impeded the rights of a parent or a child with respect to the exercise of shared authority, residence, visitation, or other contact with the child, except in the case of actions taken for the purpose of protecting the safety of the child or the interfering parent or another family member, pending adjudication of the facts underlying that belief; or

(5) Has made one or more fraudulent reports of domestic violence or child abuse: *Provided*, That a person's withdrawal of or failure to pursue a report of domestic violence or child support shall not alone be sufficient to consider that report fraudulent.

(b) If a parent is found to have engaged in any activity specified by subsection (a) of this section, the court shall impose limits that are reasonably calculated to protect the child or child's parent from harm. The limitations that the court shall consider include, but are not limited to:

(1) An adjustment of the custodial responsibility of the parents, including but not limited to:

(A) Increased parenting time with the child to make up for any parenting time the other parent lost as a result of the proscribed activity;

(B) An additional allocation of parenting time in order to repair any adverse effect upon the relationship between the child and the other parent resulting from the proscribed activity; or

(C) The allocation of exclusive custodial responsibility to one of them;

(2) Supervision of the custodial time between a parent and the child;

(3) Exchange of the child between parents through an intermediary, or in a protected setting;

(4) Restraints on the parent from communication with or proximity to the other parent or the child;

(5) A requirement that the parent abstain from possession or consumption of alcohol or nonprescribed drugs while exercising custodial responsibility and in the twenty-four hour period immediately preceding such exercise;

(6) Denial of overnight custodial responsibility;

(7) Restrictions on the presence of specific persons while the parent is with the child;

(8) A requirement that the parent post a bond to secure return of the child following a period in which the parent is exercising custodial responsibility or to secure other performance required by the court;

(9) A requirement that the parent complete a program of intervention for perpetrators of domestic violence, for drug or alcohol abuse, or a program designed to correct another factor; or

(10) Any other constraints or conditions that the court deems necessary to provide for the safety of the child, a child's parent or any person whose safety immediately affects the child's welfare.

(c) If a parent is found to have engaged in any activity specified in subsection (a) of this section, the court may not allocate custodial responsibility or decision-making responsibility to that parent

without making special written findings that the child and other parent can be adequately protected from harm by such limits as it may impose under subsection (b) of this section. The parent found to have engaged in the behavior specified in subsection (a) of this section has the burden of proving that an allocation of custodial responsibility or decision-making responsibility to that parent will not endanger the child or the other parent.

(d) If the court determines, based on the investigation described in part three of this article or other evidence presented to it, that an accusation of child abuse or neglect, or domestic violence made during a child custody proceeding is false and the parent making the accusation knew it to be false at the time the accusation was made, the court may order reimbursement to be paid by the person making the accusations of costs resulting from defending against the accusations. Such reimbursement may not exceed the actual reasonable costs incurred by the accused party as a result of defending against the accusation and reasonable attorney's fees incurred.

(e) (1) A parent who believes he or she is the subject of activities by the other parent described in subdivision (5) of subsection (a), may move the court pursuant to subdivision (4), subsection (b), section one hundred and one, article five, chapter forty-nine of this code for the Department of Health and Human Resources to disclose whether the other parent was the source of the allegation and, if so, whether the department found the report to be:

- (A) Substantiated;
- (B) Unsubstantiated;
- (C) Inconclusive; or
- (D) Still under investigation.

(2) If the court grants a motion pursuant to this subsection, disclosure by the Department of Health and Human Resources shall be in camera. The court may disclose to the parties

information received from the department only if it has reason to believe a parent knowingly made a false report.

PART 3. FACT FINDING.

§48-9-301. Court-ordered investigation.

(a) In its discretion, the court may order a written investigation and report to assist it in determining any issue relevant to proceedings under this article: Provided, That the court must serve notice to all parties of the court's order. The investigation and report may be made by the guardian ad litem, the staff of the court, or other professional social service organization experienced in counseling children and families: Provided, That the court shall identify to all parties the identity of the assigned investigator, and the investigator shall be a compulsory witness and subject to full examination and cross-examination by both parties. The court shall specify the scope and objective of the investigation or evaluation and the authority of the investigator.

(b) In preparing the report concerning a child, the investigator may consult any person who may have information about the child and the potential parenting or custodian arrangements: Provided, That the person(s) consulted by the investigator shall be identified to the parties and shall be subject to complete discovery including but not limited to pre-hearing deposition. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's custodian; but the child's consent must be obtained if the child has reached the age of twelve, unless the court finds that the child lacks mental capacity to consent. If the requirements of subsection (c) of this section are fulfilled, the investigator's report may be received in evidence at the hearing.

(c) The investigator shall deliver the investigator's report to counsel and to any party not represented by counsel at least 10 days prior to the hearing unless a shorter time is ordered by the court for good cause shown: Provided, That in no event shall the hearing

take place until after the report has been provided to the parties and the completion of any discovery requested thereupon. The court may grant a continuance, upon motion by a party showing good cause that discovery cannot be adequately completed within 10 days. The investigator shall make available to counsel and to any party not represented by counsel the investigator's file of underlying data and reports, records or documents reviewed or relied upon by the investigator, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection (b) of this section, and the names and addresses of all persons whom the investigator has consulted. Any party to the proceeding may call as a hearing witness the investigator and any person whom the investigator has consulted for cross-examination. A party may not waive the right of cross-examination prior to the hearing.

(d) Services and tests ordered under this section shall be ordered only if at no cost to the individuals involved, or at a cost that is reasonable in light of the available financial resources.

PART 4. MODIFICATION OF PARENTING PLAN.

§48-9-403. Relocation of a parent.

~~(a) The relocation of a parent constitutes a substantial change in the circumstances under subsection 9-401(a) of the child only when it significantly impairs either parent's ability to exercise responsibilities that the parent has been exercising.~~

~~(b) Unless otherwise ordered by the court, a parent who has responsibility under a parenting plan who changes, or intends to change, residences for more than ninety days must give a minimum of sixty days' advance notice, or the most notice practicable under the circumstances, to any other parent with responsibility under the same parenting plan. Notice shall include:~~

- ~~(1) The relocation date;~~
- ~~(2) The address of the intended new residence;~~
- ~~(3) The specific reasons for the proposed relocation;~~

~~(4) A proposal for how custodial responsibility shall be modified, in light of the intended move; and~~

~~(5) Information for the other parent as to how he or she may respond to the proposed relocation or modification of custodial responsibility.~~

~~Failure to comply with the notice requirements of this section without good cause may be a factor in the determination of whether the relocation is in good faith under subsection (d) of this section and is a basis for an award of reasonable expenses and reasonable attorney's fees to another parent that are attributable to such failure.~~

~~The Supreme Court of Appeals shall make available through the offices of the circuit clerks and the secretary clerks of the family courts a form notice that complies with the provisions of this subsection. The Supreme Court of Appeals shall promulgate procedural rules that provide for an expedited hearing process to resolve issues arising from a relocation or proposed relocation.~~

~~(c) When changed circumstances are shown under subsection (a) of this section, the court shall, if practical, revise the parenting plan so as to both accommodate the relocation and maintain the same proportion of custodial responsibility being exercised by each of the parents. In making such revision, the court may consider the additional costs that a relocation imposes upon the respective parties for transportation and communication, and may equitably allocate such costs between the parties.~~

~~(d) When the relocation constituting changed circumstances under subsection (a) of this section renders it impractical to maintain the same proportion of custodial responsibility as that being exercised by each parent, the court shall modify the parenting plan in accordance with the child's best interests and in accordance with the following principles:~~

~~(1) A parent who has been exercising a significant majority of the custodial responsibility for the child should be allowed to relocate with the child so long as that parent shows that the relocation is in good faith for a legitimate purpose and to a location~~

~~that is reasonable in light of the purpose. The percentage of custodial responsibility that constitutes a significant majority of custodial responsibility is seventy percent or more. A relocation is for a legitimate purpose if it is to be close to significant family or other support networks, for significant health reasons, to protect the safety of the child or another member of the child's household from significant risk of harm, to pursue a significant employment or educational opportunity or to be with one's spouse who is established, or who is pursuing a significant employment or educational opportunity, in another location. The relocating parent has the burden of proving of the legitimacy of any other purpose. A move with a legitimate purpose is reasonable unless its purpose is shown to be substantially achievable without moving or by moving to a location that is substantially less disruptive of the other parent's relationship to the child.~~

~~(2) If a relocation of the parent is in good faith for legitimate purpose and to a location that is reasonable in light of the purpose and if neither has been exercising a significant majority of custodial responsibility for the child, the court shall reallocate custodial responsibility based on the best interest of the child, taking into account all relevant factors including the effects of the relocation on the child.~~

~~(3) If a parent does not establish that the purpose for that parent's relocation is in good faith for a legitimate purpose into a location that is reasonable in light of the purpose, the court may modify the parenting plan in accordance with the child's best interests and the effects of the relocation on the child. Among the modifications the court may consider is a reallocation of primary custodial responsibility, effective if and when the relocation occurs, but such a reallocation shall not be ordered if the relocating parent demonstrates that the child's best interests would be served by the relocation.~~

~~(4) The court shall attempt to minimize impairment to a parent-child relationship caused by a parent's relocation through alternative arrangements for the exercise of custodial responsibility appropriate to the parents' resources and circumstances and the developmental level of the child.~~

~~(e) In determining the proportion of caretaking functions each parent previously performed for the child under the parenting plan before relocation, the court may not consider a division of functions arising from any arrangements made after a relocation but before a modification hearing on the issues related to relocation.~~

~~(f) In determining the effect of the relocation or proposed relocation on a child, any interviewing or questioning of the child shall be conducted in accordance with the provisions of rule 17 of the rules of practice and procedure for family law as promulgated by the Supreme Court of Appeals.~~

(a) The relocation of a parent constitutes a substantial change in the circumstances of the child under §48-9-401(a) of this code when it impairs either parent's ability to exercise responsibilities that the parent has been exercising, or when it impairs the schedule of custodial allocation that has been ordered by the court for a parent or any other person.

(b) A parent who has responsibility under a parenting plan who changes, or intends to change, residences must file a verified petition with the court for modification of the parenting plan, and cause a copy of the same to be served upon the other parent and upon all other persons who, pursuant to the court's order in effect at the time of the petition, have been allocated custodial time with the child. The petition shall be filed at least 90 days prior to any relocation, and the summons must be served at least 60 days in advance of any relocation, unless the relocating parent establishes that it was impracticable under the circumstances to provide such notice 90 days in advance. The verified petition shall include:

(1) The proposed relocation date;

(2) The address of the intended new residence;

(3) The specific reasons for the proposed relocation;

(4) A proposal for how custodial responsibility shall be modified, in light of the intended move; and

(5) A request for a hearing.

Failure to comply with the requirements of this section may be a factor in the determination of whether the relocation is in good faith under subsection (d) of this section, and may also be a basis for reallocation of the primary residence and custodial responsibility for the child and for an award of reasonable expenses and reasonable attorney's fees to another parent or another person exercising custodial responsibility for the child pursuant to an order of the court that are attributable to such failure.

(c) A hearing on the petition shall be held by the court at least 30 days in advance of the proposed date of relocation. A parent proposing to relocate may move for an expedited hearing upon the petition in circumstances under which the parent needs an answer expeditiously. If the hearing is held fewer than 30 days in advance of the proposed date of relocation, the court's order shall include findings of fact as to why the hearing was not held at least 30 days prior to the petition's proposed date of relocation. After a hearing upon a petition filed under this section, the court shall, if practical, revise the parenting plan so as to both accommodate the relocation and maintain the same proportion of custodial responsibility being exercised by each of the parents and all such other persons exercising custodial responsibility for the child pursuant to the order of the court. In making such revision, the court may consider the additional costs that a relocation imposes upon the respective parties for transportation and communication, and may equitably allocate such costs between the parties and may consider §48-13-702 of this code authorizing the court to disregard the child support formula relating to long distance visitation costs.

(d) (1) At the hearing held pursuant to this section, the relocating parent has the burden of proving that: (A) The reasons for the proposed relocation are legitimate and made in good faith; (B) that allowing relocation of the relocating parent with the child is in the best interests of the child as defined in §48-9-102 of this code; and (C) that there is no reasonable alternative, other than the proposed relocation, available to the relocating parent that would be in the child's best interests and less disruptive to the child.

(2) A relocation is for a legitimate purpose if it is to be close to immediate family members, for substantial health reasons, to protect the safety of the child or another member of the child's household from significant risk of harm, to pursue a significant employment or educational opportunity, or to be with one's spouse or significant other with whom the relocating parent has cohabitated for at least a year, who is established, or who is pursuing a significant employment or educational opportunity, in another location.

(3) The relocating parent has the burden of proving the proposed relocation is for one of these legitimate purposes. The relocating parent has the burden of proving the legitimacy of any other purpose. A move with a legitimate purpose is unreasonable unless the relocating parent proves that the purpose is not substantially achievable without moving, and that moving to a location that is substantially less disruptive of the other parent's relationship to the child is not feasible.

(4) When the relocation is for a legitimate purpose, in good faith, and renders it impractical to maintain the same proportion of custodial responsibility as that being exercised by each parent and all other persons exercising custodial responsibility for the child pursuant to an order of the court, the court shall modify the parenting plan in accordance with the child's best interests.

(5) If the relocating parent does not establish that the purpose for that parent's relocation is made in good faith for a legitimate purpose to a location that is reasonable in light of the purpose, the court may modify the parenting plan in accordance with the child's best interests and the effects of the relocation on the child. Among the modifications the court may consider is a reallocation of primary custodial responsibility, to become effective if and when the parent's relocation occurs.

(6) The court shall attempt to minimize impairment to a parent-child relationship caused by a parent's relocation through alternative arrangements for the exercise of custodial responsibility appropriate to the parents' resources and circumstances and the developmental level of the child.

(e) If the parties file with the court a modified parenting plan signed by all the parties the court may enter an order modifying custodial responsibility in accordance with the parenting plan if the court determines that the parenting plan is in the best interest of the child to do so.

(f) Except in extraordinary circumstance articulated in the court's order, a relocation may not be considered until an initial permanent parenting plan is established.

(g) In determining the effect of the relocation or proposed relocation on a child, any interviewing or questioning of the child shall be conducted in accordance with the provisions of Rule 17 of the Rules of Practice and Procedure for Family Court as promulgated by the Supreme Court of Appeals.

PART 6. MISCELLANEOUS PROVISIONS.

§48-9-601. Access to a child's records.

(a)(1) Each parent has full and equal access to a child's educational records absent a court order to the contrary. Neither parent may veto the access requested by the other parent. Educational records are academic, attendance and disciplinary records of public and private schools in all grades pre-kindergarten through 12 and any form of alternative school. Educational records are any and all school records concerning the child that would otherwise be properly released to the primary custodial parent, including, but not limited to, report cards and progress reports, attendance records, disciplinary reports, results of the child's performance on standardized tests and statewide tests and information on the performance of the school that the child attends on standardized statewide tests; curriculum materials of the class or classes in which the child is enrolled; names of the appropriate school personnel to contact if problems arise with the child; information concerning the academic performance standards, proficiencies, or skills the child is expected to accomplish; school rules, attendance policies, dress codes and procedures for visiting the school; and information about any psychological testing the school does involving the child.

(2) In addition to the right to receive school records, the nonresidential parent has the right to participate as a member of a parent advisory committee or any other organization comprised of parents of children at the school that the child attends.

(3) The nonresidential parent or noncustodial parent has the right to question anything in the child's record that the parent feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school.

(4) Each parent has a right to arrange appointments for parent-teacher conferences absent a court order to the contrary. Neither parent can be compelled against their will to exercise this right by attending conferences jointly with the other parent.

(b)(1) Each parent has full and equal access to a child's medical records and vital records absent a court order to the contrary. Neither parent may veto the access requested by the other parent. If necessary, either parent is required to authorize medical providers to release to the other parent copies of any and all information concerning medical care provided to the child which would otherwise be properly released to either parent.

(2) If the child is in the actual physical custody of one parent, that parent is required to promptly inform the other parent of any illness of the child which requires medical attention.

(3) Each parent is required to consult with the other parent prior to any elective surgery being performed on the child, and in the event emergency medical procedures are undertaken for the child which require the parental consent of either parent, if time permits, the other parent shall be consulted, or if time does not permit such consultation, the other parent shall be promptly informed of the emergency medical procedures: *Provided*, That nothing contained herein alters or amends the law of this state as it otherwise pertains to physicians or health care facilities obtaining parental consent prior to providing medical care or performing medical procedures.

(c)(1) Each parent has full and equal access to a child's juvenile court records, process and pleadings, absent a court order to the

contrary. Neither parent may veto any access requested by the other parent. Juvenile court records are limited to those records which are normally available to a parent of a child who is a subject of the juvenile justice system.

(2) Each parent has the right to be notified by the other party if the minor child is the victim of an alleged crime, including the name of the investigating law-enforcement officer or agency, if known. There is no duty to notify if the party to be notified is the alleged perpetrator.

§48-9-603. Effect of enactment; operative dates.

(a) The enactment of this article, formerly enacted as article eleven of this chapter during the second extraordinary session of the 1999 Legislature, is prospective in operation unless otherwise expressly indicated.

(b) The provisions of ~~section 9-202~~ §48-9-202 of this code, insofar as they provide for parent education and mediation, became operative on January 1, 2000. Until that date, parent education and mediation with regard to custody issues were discretionary unless made mandatory under a particular program or pilot project by rule or direction of the Supreme Court of Appeals or a circuit court.

(c) The provisions of this article that authorize the court, in the absence of an agreement of the parents, to order an allocation of custodial responsibility and an allocation of significant decision-making responsibility became operative on January 1, 2000, at which time the primary caretaker doctrine was replaced with a system that allocates custodial and decision-making responsibility to the parents in accordance with this article. Any order entered prior to January 1, 2000, based on the primary caretaker doctrine remains in full force and effect until modified by a court of competent jurisdiction.

(d) The amendments to this chapter made during the 2021 session of the Legislature shall become applicable upon the effective date of those amendments. Any order entered prior to the

effective date of those amendments remains in full force and effect until modified by a court of competent jurisdiction.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 617**), and there were—yeas 88, nays 12, absent and not voting none, with the nays being as follows:

Nays: Boggs, Doyle, Espinosa, Fleischauer, Hansen, Hardy, Howell, Martin, Pethel, Rowe, Tully and Williams.

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. 2363) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2368, Mylissa Smith’s Law, creating patient visitation privileges.

On motion of Delegate Summers, the House 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 16. PUBLIC HEALTH.

ARTICLE 39. PATIENT SAFETY AND VISITATION ACT.

§16-39-1. Short title.

This article may be cited as the ‘Patient Safety Act of 2001’. The amendments made to this article during the 2021 Regular Session of the Legislature shall be known as ‘Myliissa Smith’s Law.’

§16-39-2. Legislative findings and purpose.

[Repealed.]

§16-39-3. Definitions.

For purposes of this article, the following words and phrases have the following meanings:

(1) ‘Appropriate authority’ means a federal, state, county, or municipal government body, agency or organization having jurisdiction over criminal law enforcement, regulatory violations, professional conduct or ethics, or waste or any member, officer, agent, representative, or supervisory employee ~~thereto~~ thereof;

(2) ‘Commissioner’ means the commissioner of the division of health;

(3) ‘Direct patient care’ means health care that provides for the physical, diagnostic, emotional, or rehabilitational needs of a patient or health care that involves examination, treatment, or preparation for diagnostic tests or procedures.

(4) ‘Discrimination or retaliation’ includes any threat, intimidation, discharge, or any adverse change in a health care worker’s position, location, compensation, benefits, privileges, or terms or conditions of employment that occurs as a result of a health care worker engaging in any action protected by this article.

(5) ‘Good faith report’ means a report of conduct defined in this article as wrongdoing or waste that is made without malice or consideration of personal benefit and which the person making the report has reasonable cause to believe is true.

(6) 'Health care entity' includes a health care facility, such as a hospital, clinic, nursing facility, or other provider of health care services.

'Health care facility' means:

(1) A hospital licensed pursuant to §16-5B-1 et seq. of this code;

(2) A nursing home licensed pursuant to §16-5C-1 et seq. of this code;

(3) An assisted living residence licensed pursuant to §16-5D-1 et seq. of this code; and

(4) Hospice licensed pursuant to §16-5I-1 et seq. of this code.

(7) 'Health care worker' means a person who provides direct patient care to patients of a health care entity and who is an employee of the health care entity, a subcontractor, or independent contractor for the health care entity, or an employee of ~~such~~ the subcontractor or independent contractor. The term includes, but is not limited to, a nurse, nurse's aide, laboratory technician, physician, intern, resident, physician assistant, physical therapist, or any other ~~such~~ person who provides direct patient care.

'Patient' means a person living or receiving services as an inpatient at a healthcare facility.

'Public Health State of Emergency' means a federal or state declaration of a state of emergency arising from or relating to a public health crisis.

'Visitor' means any visitor from the patient's family, hospice or clergy visiting a patient in a healthcare facility.

(8) 'Waste' means the conduct, act, or omission by a health care entity that results in substantial abuse, misuse, destruction, or loss of funds, resources, or property belonging to a patient, a health care entity, or any federal or state program.

(9) ‘Wrongdoing’ means a violation of any law, rule, regulation, or generally recognized professional or clinical standard that relates to care, services, or conditions and which potentially endangers one or more patients or workers or the public.

§16-39-8. Visitation of a patient in a health care facility.

(a) During a declared public health state of emergency for a contagious disease, a health care facility shall permit visitation of a patient. If the patient’s death is imminent, the health care facility shall allow visitation upon request at any time and frequency. In all other instances, the health care facility shall allow visitation not less than once every five days. Provided, That visitation permitted by any health care entity may not be inconsistent with any applicable federal law, rule, policy, or guidance in effect for the same emergency.

(b) A visitor shall comply with the applicable procedures established by the health care facility.

(c) The health care facility may deny a visitor entry to the health care facility, may subject a visitor to expulsion from the facility, or may permanently revoke visitation rights to a visitor who does not comply with the applicable procedures established by the health care facility.

(d) A healthcare facility is not liable to a person visiting another person, nor to any other patient or resident of the health care facility, for any civil damages for injury or death resulting from or related to actual or alleged exposure during, or through the performance of, the visitation in compliance with this section, unless the health care facility failed to substantially comply with the applicable health and safety procedures established by the health care facility.”

And,

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

Com. Sub. for H. B. 2368 – “A Bill to repeal §16-39-2 the Code of West Virginia, 1931, as amended, and to amend and

reenact §16-39-1 and §16-39-3, and to amend said code by adding thereto a new section designated §16-39-8 of the code, all relating to the short title; defining terms; and, providing for visitation of a patient in a health care facility during a declared state of emergency.”

Delegate Linville 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 persons possibly to be affected and directed the Member to vote.

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. 618**), and there were—yeas 100, nays none, absent and not voting none.

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. 2368) passed.

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

On this question, the yeas and nays were taken (**Roll No. 619**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2368) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2581, Providing for the valuation of natural resources property and an alternate method of appeal of proposed valuation of natural resources property.

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

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

“§11-1C-10. Valuation of industrial property and natural resources property by Tax Commissioner; penalties; methods; values sent to assessors.

(a) As used in this section:

(1) ‘Industrial property’ means real and personal property integrated as a functioning unit intended for the assembling, processing and manufacturing of finished or partially finished products.

(2) ‘Natural resources property’ means coal, oil, natural gas, limestone, fireclay, dolomite, sandstone, shale, sand and gravel, salt, lead, zinc, manganese, iron ore, radioactive minerals, oil shale, managed timberland as defined in section two of this article, and other minerals.

(b) All owners of industrial property and natural resources property each year shall make a return to the State Tax Commissioner and, if requested in writing by the assessor of the county where situated, to such county assessor at a time and in the form specified by the commissioner of all industrial or natural resources property owned by them. The commissioner may require any information to be filed which would be useful in valuing the property covered in the return. Any penalties provided for in this chapter or elsewhere in this code relating to failure to list any property or to file any return or report may be applied to any owner of property required to make a return pursuant to this section.

(c) The State Tax Commissioner shall value all industrial property in the state at its fair market value within three years of

the approval date of the plan for industrial property required in subsection (e) of this section. The commissioner shall thereafter maintain accurate values for all such property. The Tax Commissioner shall forward each industrial property appraisal to the county assessor of the county in which that property is located and the assessor shall multiply each such appraisal by sixty percent and include the resulting assessed value in the land book or the personal property book, as appropriate for each tax year. The commissioner shall supply support data that the assessor might need to evaluate the appraisal.

(d) Within three years of the approval date of the plan required for natural resources property required pursuant to subsection (e) of this section, the State Tax Commissioner shall determine the fair market value of all natural resources property in the state. ~~The commissioner shall~~ and thereafter maintain accurate values for all such property.

(1) In order to qualify for identification as managed timberland for property tax purposes the owner must annually certify, in writing to the Division of Forestry, that the property meets the definition of managed timberland as set forth in this article and contracts to manage property according to a plan that will maintain the property as managed timberland. In addition, each owner's certification must state that forest management practices will be conducted in accordance with approved practices from the publication 'Best Management Practices for Forestry'. Property certified as managed timberland shall be valued according to its use and productive potential. The Tax Commissioner shall promulgate rules for certification as managed timberland.

(2) In the case of all other natural resources property, the commissioner shall develop an inventory on a county by county basis of all such property and may use any resources, including, but not limited to, geological survey information; exploratory, drilling, mining and other information supplied by natural resources property owners; and maps and other information on file with the state Division of Environmental Protection and office of miners' health, safety and training. Any information supplied by natural resources owners or any proprietary or otherwise privileged

information supplied by the state Division of Environmental Protection and office of miner's health, safety and training shall be kept confidential unless needed to defend an appraisal challenged by a natural resources owner. Formulas for natural resources valuation may contain differing variables based upon known geological or other common factors. The Tax Commissioner shall forward each natural resources property appraisal to the county assessor of the county in which that property is located and the assessor shall multiply each such appraisal by sixty percent and include the resulting assessed value in the land book or the personal property book, as appropriate, for each tax year. The commissioner shall supply support data that the assessor might need to explain or defend the appraisal. The commissioner shall directly defend any challenged appraisal when the assessed value of the property in question exceeds \$2 million or an owner challenging an appraisal holds or controls property situated in the same county with an assessed value exceeding \$2 million. At least every five years, the commissioner shall review current technology for the recovery of natural resources property to determine if valuation methodologies need to be adjusted to reflect changes in value which result from development of new recovery technologies.

(3) The Tax Commissioner shall, no later than July 1, 2021, propose emergency rules in accordance with §29A-3-15 of this code regarding valuation of property producing oil, natural gas, natural gas liquids, or any combination thereof. For purposes of the emergency rules required by this subdivision regarding valuation of property producing oil, natural gas, natural gas liquids, or any combination thereof, fair market value shall be determined through the process of applying a yield capitalization model to the net proceeds. Net proceeds shall mean actual gross receipts on a sales volume basis determined from the actual price received by the taxpayers as reported on the taxpayer's returns, less royalties, and less actual annual operating costs as reported on the taxpayer's returns. For the purposes of this subdivision:

(A) 'Natural gas liquids' means propane, ethane, butanes, and pentanes (also referred to as condensate), or a combination of them that are subject to recovery from raw gas liquids by processing in

field separators, scrubbers, gas processing and reprocessing plants, or cycling plants.

(B) 'Actual annual operating costs' shall only include lease operating expenses, lifting costs, gathering, compression, processing, separation, fractionation, and transportation charges.

(e) The Tax Commissioner shall develop a plan for the valuation of industrial property and a plan for the valuation of natural resources property. The plans shall include expected costs and reimbursements, and shall be submitted to the property valuation training and procedures commission on or before January 1, 1991, for its approval on or before July 1, of such year. Such plan shall be revised, resubmitted to the commission and approved every three years thereafter.

(f) To perform the valuation duties under this section, the State Tax Commissioner has the authority to contract with a competent property appraisal firm or firms to assist with or to conduct the valuation process as to any discernible species of property statewide if the contract and the entity performing such contract is specifically included in a plan required by subsection (e) of this section or otherwise approved by the commission. If the Tax Commissioner desires to contract for valuation services only in one county or a group of counties, the contract must be approved by the commission.

(g) The county assessor may accept the appraisal provided, pursuant to this section, by the State Tax Commissioner: *Provided*, That if the county assessor fails to accept the appraisal provided by the State Tax Commissioner, the county assessor shall show just cause to the valuation commission for the failure to accept such appraisal and shall further provide to the valuation commission a plan by which a different appraisal will be conducted.

(h) The costs of appraising the industrial and natural resources property within each county, and any costs of defending same shall be paid by the state: *Provided*, That the office of the state Attorney General shall provide legal representation on behalf of the Tax

Commissioner or assessor, at no cost, in the event the industrial and natural resources appraisal is challenged in court.

(i) For purposes of revaluing managed timberland as defined in section two of this article, any increase or decrease in valuation by the commissioner does not become effective prior to July 1, 1991. The property owner may request a hearing by the director of the Division of Forestry, who may thereafter rescind the disqualification or allow the property owner a reasonable period of time in which to qualify the property. A property owner may appeal a disqualification to the circuit court of the county in which the property is located.

ARTICLE 3. ASSESSMENTS GENERALLY.

§11-3-15c. Petition for assessor review of improper valuation of real property.

(a) A taxpayer who is of the opinion that his or her real property has been valued too high or otherwise improperly valued or listed in the notice given as provided in ~~section two a of this article~~ §11-3-2a of this code may, but is not required to, file a petition for review with the assessor on a written form prescribed by the Tax Commissioner. This section shall not apply to industrial and natural resource property appraised by the Tax Commissioner.

(b) The petition shall state the taxpayer's opinion of the true and actual value of the property and substantial information that justifies that opinion of value for the assessor to consider for purposes of basing a change in classification or correction of the valuation. For purposes of this subsection, the taxpayer shall provide substantial information to justify the opinion of value. The taxpayer may provide an appraisal of the property from a licensed real estate appraiser stating its true and actual value for its current use. ~~by stating the method or methods of valuation on which the opinion is based:~~

~~(1) Under the income approach, including the information required in section fifteen e of this article;~~

~~(2) Under the market approach, including the true and actual value of at least three comparable properties in the same geographic area or the sale of the subject property; or~~

~~(3) Under the cost approach, including the replacement cost or the cost to build or rebuild the property, plus the true and actual value of the land.~~

(c) The petition may include more than one parcel of property if they are part of the same economic unit according to the Tax Commissioner's guidelines or if they are owned by the same owner, have the same use, are appealed on the same basis, and are located in the same tax district or in contiguous tax districts of the county, and are in a form prescribed by the Tax Commissioner.

(d) The petition shall be filed within eight business days after the date the taxpayer receives the notice of increased assessment under ~~section two a of this article~~ §11-3-2a of this code or the notice of increased value was published as a Class II-0 legal advertisement as provided in that section. For purposes of this section, 'business day' means any day other than Saturday, Sunday, or any legal holiday set forth in section one, article two, chapter two of this code.

§11-3-15f. Rejection of petition; ~~for failure to include substantial information~~ amended petition; appeal options.

If the assessor rejects a petition filed pursuant to ~~section fifteen e, fifteen d or fifteen e~~ §11-3-15c, §11-3-15d, or §11-3-15e of this article code, the petitioner may appeal to the county ~~board of equalization and review~~ Board of Equalization and Review as provided in ~~section twenty four of this article~~ §11-3-24 of this code or the Office of Tax Appeals.

§11-3-15h. Ruling on petition.

(a) In all cases the assessor shall consider the petition and shall rule on each petition filed pursuant to ~~section fifteen e, fifteen d or fifteen e~~ §11-3-15c, §11-3-15d, or §11-3-15e of this article code by February 10 of the assessment year. Written notice shall be served by regular mail on the person who filed the petition.

(b) In considering a petition filed pursuant to ~~section fifteen-e, fifteen-d or fifteen-e~~ §11-3-15c, §11-3-15d, or §11-3-15e of this ~~article code~~, the assessor shall consider the valuation fixed by the assessor on other similar property that is similarly situated.

(c) The consideration of a petition for review with the assessor is to be an informal process. Formal rules of evidence shall not be required; the assessor may consider all evidence presented and may give each item the weight, in his or her opinion, it commands.

(d) The standard of proof which a taxpayer must meet to defend his or her opinion of the true and actual value of the subject property during reviews by the assessor shall be no greater than a simple preponderance of the evidence standard.

§11-3-15i. Petitioner's right to appeal.

(a) If the assessor grants the requested relief, the petitioner may not appeal the ruling of the assessor.

(b) If the petitioner and the assessor reach an agreement within five business days after the conclusion of the meeting held as provided in ~~section fifteen-g~~ §11-3-15g of this ~~article code~~, both parties shall sign the agreement and both parties waive the right to further appeal.

(c) If all or part of the petitioner's request under ~~section fifteen-e, fifteen-d or fifteen-e~~ §11-3-15c, §11-3-15d, or §11-3-15e of this ~~article code~~ is denied, the assessor shall mail, on the date of the ruling, to the petitioner at the address shown on the petition notice of the grounds of the refusal to make the change or changes requested in the petition. A petitioner whose request is denied, in whole or in part, or a petitioner who does not receive a response from the assessor by February 10, as provided in ~~section fifteen-h~~ §11-3-15h of this ~~article code~~, may file a protest with the county commission sitting as a board of equalization and review, as provided in ~~section 24 of this article~~ §11-3-24 of this code, or the Office of Tax Appeals.

§11-3-23. Alterations in property books.

After the copies of the landbook or personal property book ~~shall~~ have been verified and delivered, no alteration shall be made in them, or either of them, affecting the taxes of that year, except on the final order of the court on a successful review or appeal from the assessment.

§11-3-23a. Informal review and resolution of classification, taxability and valuation issues.

(a) *General.* - Anytime after real or tangible personal property is returned for taxation, the taxpayer may apply to the assessor of the county in which the property was situated on the assessment date for information about the classification, taxability, or valuation of the property for property tax purposes for the tax year following the July 1 assessment date. A taxpayer who is not satisfied with the response of the assessor and wants to further pursue the matter ~~must~~ shall follow the procedures set forth in this section.

(b) *Classification or taxability.* - A taxpayer who wants to contest the classification or taxability of property must follow the procedures set forth in ~~section twenty four a of this article~~ §11-3-24a of this code.

(c) *Valuation issues - property appraised and assessed by county assessor.* —

(1) A taxpayer who is dissatisfied with the response of the assessor on a question of valuation and who receives a notice of increase in the assessed value of real property as provided in ~~section two a of this article~~ §11-3-2a of this code, or a notice of increase in the assessed value of business personal property as provided in ~~section fifteen b of this article~~ §11-3-15b of this code, who disagrees with the assessed value stated in the notice, may ~~utilize~~ use the informal review process specified in this article if the taxpayer decides to challenge the assessed value.

(2) A taxpayer may apply for relief to the county commission sitting as a ~~board of equalization and review~~ Board of Equalization

~~and Review pursuant to section twenty-four of this article §11-3-24 of this code, or to the Office of Tax Appeals not later than February 20 of the tax year by filing a written protest with the clerk of the county commission or the Office of Tax Appeals that identifies the amount of the assessed value the taxpayer believes to be in controversy and states generally the taxpayer's reason or reasons for filing the protest. The board or the Office of Tax Appeals shall then set a date and time to hear the taxpayer's protest. *Provided,* That in the written protest or in a separate notice filed with the board on or before the day of the hearing, the taxpayer or taxpayer's representative may notify the board of the taxpayer's election to have the matter heard when the county commission convenes as a board of assessment appeals in the fall of the tax year as provided in section twenty four b of this article. A copy of this election shall be served on the assessor, and the Tax Commissioner in the case of industrial property or natural resources property, by personal service or by certified mail. The notice of election shall include an acknowledgment by the taxpayer that The taxpayer will shall timely pay first and second half installment payments of taxes levied for the current tax year on or before they become due and that any reduction in assessed value that is administratively or judicially determined in a decision that becomes final will result in a credit being established against taxes that become due for a tax year subsequent to the tax year in which the decision becomes final, except as otherwise stated in the decision or as otherwise provided in this article. In the event the ~~board~~ Board of Equalization and Review adjourns sine die before February 20 of the tax year, a taxpayer may ~~still~~ file its written protest and the acknowledgment described in this subdivision with the ~~county clerk on or before February 20 of the tax year and the petition shall be heard when the county commission meets as a board of assessment appeals, as provided in section twenty four b of this article~~ Office of Tax Appeals. If a taxpayer fails to provide its written protest on or before February 20, and the ~~board~~ Board of Equalization and Review unilaterally increases the assessed value subsequent to that date, the taxpayer may ~~still~~ file a written protest and the acknowledgment described in this subdivision with the ~~county clerk and the petition shall be heard when the county commission~~~~

~~meets as a board of assessment appeals as provided in section twenty four b of this article~~ Office of Tax Appeals.

(d) *Valuation issues - property appraised by Tax Commissioner and assessed by county assessor. -*

(1) A taxpayer who receives a notice of tentative appraised value of natural resource property or industrial property from the Tax Commissioner pursuant to ~~article six k of this chapter~~ §11-6K-1 et seq. of this code.

(2) A taxpayer may apply for relief to the county commission sitting as a board of equalization and review pursuant to ~~section twenty four of this article~~ §11-3-24 of this code or to the Office of Tax Appeals no later than February 20 of the tax year by filing a written protest with the clerk of the county commission or to the Office of Tax Appeals that identifies the amount of the assessed value the taxpayer believes to be in controversy and states generally the taxpayer's reason or reasons for filing the protest. The board or the Office of Tax Appeals shall then set a date and time to hear the taxpayer's protest. *Provided,* ~~That in the written protest or in a separate notice filed with the board on or before the day of the hearing, the taxpayer or taxpayer's representative may notify the board of the taxpayer's election to have the matter heard when the county commission convenes as a board of assessment appeals in the fall of the tax year as provided in section twenty four b of this article. A copy of this election shall be served on the assessor, and the Tax Commissioner in the case of industrial property or natural resources property, by personal service or by certified mail. The notice of election shall include an acknowledgment by the taxpayer that.~~ The taxpayer ~~will~~ shall timely pay first and second half installment payments of taxes levied for the current tax year on or before they become due and that any reduction in assessed value that is administratively or judicially determined in a decision that becomes final will result in a credit being established against taxes that become due for a tax year subsequent to the tax year in which the decision becomes final, except as otherwise stated in the decision or as otherwise provided in this article. In the event the ~~board~~ Board of Equalization and Review adjourns sine die before February 20 of the tax year, a taxpayer may ~~still~~ file its written

protest and the acknowledgment described in this subdivision with the ~~county clerk on or before February 20 of the tax year and the petition shall be heard when county commission meets as a board of assessment appeals, as provided in section twenty four b of this article~~ Office of Tax Appeals. If a taxpayer fails to provide its written protest on or before February 20, and the ~~board~~ Board of Equalization and Review unilaterally increases the assessed value subsequent to that date, the taxpayer may still file a written protest and the acknowledgment described in this subdivision with the ~~county clerk and the petition shall be heard when the county commission meets as a board of assessment appeals as provided in section twenty four b of this article~~ Office of Tax Appeals.

(e) The standard of proof which a taxpayer must meet at all levels of review and appeal under this section shall be a preponderance of the evidence standard.

§11-3-24. Review and equalization by county commission.

(a) The county commission shall annually, not later than February 1 of the tax year, meet as a board of equalization and review for the purpose of reviewing and equalizing the assessment made by the assessor. The board shall not adjourn for longer than three business days at a time, not including a Saturday, Sunday or legal holiday in this state, until this work is completed. The board may adjourn sine die anytime after February 15 of the tax year and shall adjourn sine die not later than the last day of February of the tax year.

(b) At the first meeting of the board, the assessor shall submit the property books for the current year, which shall be complete ~~in every particular~~, except that the levies shall not be extended. The assessor and the assessor's assistants shall attend and render every assistance possible in connection with the value of property assessed by them.

(c) The board shall proceed to examine and review the property books, and shall add on the books the names of persons, the value of personal property and the description and value of real estate liable to assessment which was omitted by the assessor. The board

shall correct all errors in the names of persons, in the description and valuation of property, and shall cause to be done whatever else is necessary to make the assessed valuations comply with the provisions of this chapter. But in no case shall any question of classification or taxability be considered or reviewed by the board.

(d) If the board determines that any property or interest is assessed at more or less than 60 percent of its true and actual value as determined under this chapter, it shall fix it at 60 percent of its true and actual value: *Provided*, That no assessment shall be increased without giving the taxpayer at least five days' notice, in writing, of the intention to make the increase and no assessment shall be greater than 60 percent of the true and actual value of the property.

(e) Service of notice of the increase upon the taxpayer shall be sufficient, or upon his or her agent or attorney, if served in person, or if sent by registered or certified mail to the property owner, his or her agent, or attorney, at the last known mailing address of the person as shown in the records of the assessor or the tax records of the county sheriff. If such person cannot be found and has no last known mailing address, then notice shall be given by publication thereof as a Class I legal advertisement in compliance with the provisions of ~~article three, chapter fifty-nine~~ §59-3-1, et seq. of this code and the publication area shall be the county. The date of the publication shall be at least five days, not including a Saturday, Sunday or legal holiday in this state, prior to the day the board acts on the increase. When the board intends to increase the entire valuation in any one tax district by a general increase, notice shall be given by publication thereof as a Class II-0 legal advertisement in compliance with the provisions of ~~article three, chapter fifty-nine~~ §59-3-1, et seq. of this code and the publication area shall be the county. The date of the last publication shall be at least five days, not including a Saturday, Sunday or legal holiday in this state, prior to the meeting at which the increase in valuation is acted on by the board. When an increase is made, the same valuation shall not again be changed unless notice is again given as ~~heretofore~~ provided.

The clerk of the county commission shall publish notice of the time, place, and general purpose of the meeting as a Class II legal advertisement in compliance with the provisions of ~~article three, chapter fifty nine~~ §59-3-1, et seq. of this code and the publication area shall be the county. The expense of publication shall be paid out of the county treasury.

(f) Any person who receives notice as provided in subsection (e) of this section may appear before the board at the time and place specified in the notice to object to the proposed increase in the valuation of taxpayer's property. After hearing the board's reason or reasons for the proposed increase, the taxpayer may present his or her objection or objections to the increase and the reason or reasons for the objections. ~~and may either orally or in writing advise the board that the taxpayer elects for the matter to be heard in the fall of the tax year when the county commission meets as a board of assessment appeals as provided in section twenty four b of this article: *Provided*, That taxpayer's election shall not stay a decision by the board to increase the assessed value of the property for the current tax year~~

(g) The board may approve an agreement signed by the taxpayer or taxpayer's representative and the assessor, and by a representative of the Tax Commissioner when the property is industrial property or natural resources property, that resolves a valuation matter while the land and personal property books are before the Board for Equalization and Review.

(h) If any person fails to apply for relief at this meeting, he or she shall have waived the right to ask for correction in the assessment list for the current year, and shall not thereafter be permitted to question the correctness of the list as finally fixed by the board, except on appeal to the Office of Tax Appeals, ~~the circuit court~~ or as otherwise provided in this article.

(i) After the board completes the review and equalization of the property books, a majority of the board shall sign a statement that it is the completed assessment of the county for the tax year. Then the property books shall be delivered to the assessor and the levies extended as provided by law.

(j) A taxpayer who elects to have a hearing before the ~~board of equalization and review~~ Board of Equalization and Review may appeal the board's order ~~to the Office of Tax Appeals, as provided in section twenty five of this article.~~ A taxpayer who elects to have a hearing before the board of assessment appeals may only appeal the assessed value as provided in section twenty four b of this article

(k) The standard of proof which a taxpayer must meet at all levels of review and appeal under this section shall be a preponderance of the evidence standard.

§11-3-24a. Protest of classification or taxability to assessor; appeal to Tax Commissioner, appeal to Office of Tax Appeals.

(a) At any time after property is returned for taxation, and up to and including the time the property books are before the county commission sitting as a board of equalization and review, any taxpayer may apply to the assessor for information regarding the classification and taxability of the taxpayer's property. In case the taxpayer is dissatisfied with the classification of property assessed to the taxpayer or believes that the property is exempt or otherwise not subject to taxation, the taxpayer shall file objections in writing with the assessor. The assessor shall decide the question by either sustaining the protest and making proper corrections, or by stating, in writing if requested, the reasons for refusal to grant the protest.

(b) The assessor may, and if the taxpayer requests, the assessor shall, certify the question to the State Tax Commissioner in a statement sworn to by both parties, or if the parties are unable to agree, in separate sworn statements, giving a full description of the property and any other information which the Tax Commissioner requires. The Tax Commissioner shall prescribe forms on which the ~~aforsaid~~ question shall be certified and the Tax Commissioner ~~shall have the authority to~~ may pursue any inquiry and procure any information necessary for the disposition of the issue.

(c) The Tax Commissioner shall, as soon as possible on receipt of the question, but in no case later than February 28 of the

assessment year, instruct the assessor as to how the property shall be treated. The instructions issued and forwarded by mail to the assessor shall be binding upon the assessor, but either the assessor or the taxpayer may apply to the ~~circuit court of the county~~ Office of Tax Appeals within 30 days after receiving written notice of the Tax Commissioner's ruling for review of the question of classification or taxability. ~~in the same fashion as is provided for appeals from the county commission sitting as a board of equalization and review in section twenty-five of this article~~

(d) The amendments to this section enacted in the year 2010 ~~shall~~ apply to classification and taxability rulings issued for taxes levied after December 31, 2011.

(e) The standard of proof which a taxpayer must meet at all levels of review and appeal under this section shall be a preponderance of the evidence standard.

§11-3-24b. Board of Assessment Appeals.

[Repealed.]

§11-3-25. Relief in circuit court against erroneous assessment.

[Repealed.]

§11-3-25a. Payment of taxes that become due while appeal is pending.

(a) All taxes levied and assessed against the property for the year on which a protest or an appeal has been filed by the taxpayer as provided in ~~section twenty-four or twenty-four b~~ §11-3-24 or §11-3-24a of this ~~article~~ code shall be paid before they become delinquent. If the taxes are not paid before becoming delinquent, the ~~circuit court~~ governing body having jurisdiction of the appeal, as appropriate, shall dismiss the appeal unless the delinquent taxes and interest due are paid in full within 30 days after taxes for the second half of the tax year become delinquent.

(b) In the event the order of a court or other governing body becomes final and the order results in an overpayment of taxes

levied for the tax year that have been paid to the sheriff, the amount of the overpayment shall be refunded to the taxpayer if the overpayment is \$25,000 or less within 30 days after the time for appealing the decision or order expires or, if the decision or order is appealed, within 30 days of the date the appeals court or other governing body turns down the appeal. ~~*Provided, That, if the taxpayer's protest before the county commission below was heard pursuant to the provisions of section twenty four b of this article, the refund shall be paid pursuant to the provisions of that section*~~ If the overpayment is more than \$25,000, a credit in the amount of the overpayment shall be established by the county sheriff and allowed as a credit against taxes owed up to the following two tax years: *Provided, That the county commission may elect to refund the amount of overpayment rather than having a credit established as provided in this section: Provided, further-however, That if any portion of the overpayment remains unused after the date on which taxes payable for the second half of the second tax year following the tax year of the overpayment become delinquent, that portion shall be refunded to the taxpayer by the county sheriff no later than 30 days after that date, or 30 days from the date that the ~~circuit court~~ order becomes final, whichever date occurs later. Whenever an overpayment is refunded or credited under this section, the county shall pay interest at the rate established in ~~section seventeen and seventeen a, article ten of this chapter §11-10-17 and §11-10-17a of this code~~ §11-10-17 and §11-10-17a of this code for overpayments of taxes collected by the Tax Commissioner, which interest shall be computed from the date the overpayment was received by the sheriff to the date of the refund check or the date the credit is actually taken against taxes that become due after the order of the court becomes final.*

§11-3-32. Effective date of amendments.

(a) Unless specified otherwise in this article, all amendments to this article adopted in the year 2010 ~~shall~~ apply to the assessment years beginning on or after July 1, 2011.

(b) Unless specified otherwise in this article, all amendments to this article adopted in the year 2021 apply to the assessment years beginning on or after July 1, 2022.

ARTICLE 10A. WEST VIRGINIA OFFICE OF TAX APPEALS.**§11-10A-1. Legislative finding; purpose.**

The Legislature finds that there is a need for an independent quasi-judicial agency separate and apart from the Tax Division to resolve disputes between the Tax Commissioner, county assessors, county commissions, and taxpayers ~~in order~~ to maintain public confidence in the state tax system. The Legislature does therefore declare that the purpose of this article is to create the West Virginia office of tax appeals to resolve disputes between the Tax Commissioner, county assessors, county commissions, and taxpayers and to prescribe the powers and duties of the office of tax appeals.

§11-10A-7. Powers and duties of Chief Administrative Law Judge; all employees, except Chief Administrative Law Judge, members of classified service; qualifications of administrative law judges.

(a) The Chief Administrative Law Judge is the chief executive officer of the Office of Tax Appeals and he or she may employ one person to serve as executive director, ~~one~~ two ~~staff attorney attorneys,~~ and other clerical personnel as necessary for the proper administration of this article. The Chief Administrative Law Judge may delegate administrative duties to other employees, but the Chief Administrative Law Judge ~~shall be~~ is responsible for all official delegated acts.

(1) Upon the request of the Chief Administrative Law Judge, the Governor may appoint up to ~~two~~ three administrative law judges as necessary for the proper administration of this article.

(2) All employees of the Office of Tax Appeals, except the Chief Administrative Law Judge, shall be in the classified service and shall be governed by the provisions of the statutes, rules, and policies of the classified service in accordance with the provisions of ~~article six, chapter twenty-nine~~ §29-6-1 et seq. of this code.

(3) Prior to employment by the Office of Tax Appeals, all administrative law judges shall be admitted to the practice of law in this state and have at least two years of full-time or equivalent part-time experience as an attorney with federal or state tax law expertise.

(4) The Chief Administrative Law Judge and all administrative law judges shall be members of the Public Employees Retirement System and do not qualify as participants in the judicial retirement system during their tenure with the Office of Tax Appeals.

(b) The Chief Administrative Law Judge shall:

(1) Direct and supervise the work of the legal staff;

(2) Make hearing assignments;

(3) Maintain the records of the Office of Tax Appeals;

(4) Review and approve decisions of administrative law judges as to legal accuracy, clarity and other requirements;

(5) Publish decisions in accordance with the provisions of ~~section sixteen of this article~~ §11-10A-16 of this code;

(6) Submit to the Legislature, on or before February 15, an annual report summarizing the Office of Tax Appeals' activities since the end of the last report period, including a statement of the number and type of matters handled by the Office of Tax Appeals during the preceding fiscal year and the number of matters pending at the end of the year; and

(7) Perform the other duties necessary and proper to carry out the purposes of this article.

§11-10A-8. Jurisdiction of Office of Tax Appeals.

The Office of Tax Appeals has exclusive and original jurisdiction to hear and determine all:

(1) Appeals from tax assessments issued by the Tax Commissioner pursuant to article ten of this chapter;

(2) Appeals from decisions or orders of the Tax Commissioner denying refunds or credits for all taxes administered in accordance with the provisions of ~~article ten of this chapter~~ §11-10-1 et seq. of this code;

(3) Appeals from orders of the Tax Commissioner denying, suspending, revoking, refusing to renew any license, or imposing any civil money penalty for violating the provisions of any licensing law administered by the Tax Commissioner;

(4) Questions presented when a hearing is requested pursuant to the provisions of any article of this chapter which is administered by the provisions of ~~article ten of this chapter~~ §11-10-1 et seq. of this code;

(5) Matters which the Tax Division is required by statute or legislatively approved rules to hear, except employee grievances filed pursuant to ~~article two, chapter six e~~ §6C-2-1 et seq. of this code; and

(6) Other matters which may be conferred on the office of tax appeals by statute or legislatively approved rules; and

(7) Appeals by any party aggrieved by the valuation of real property and personal property tax assessments and classifications or taxability as set forth in §11-3-1 et. seq. of this code.

§11-10A-10. Hearing procedures.

(a) The office of tax appeals shall assign a date, time, and place for a hearing on a petition and shall notify the parties to the hearing by written notice at least 20 days in advance of the hearing date. The hearing shall be held within 45 days of the due date of the commissioner's answer unless continued by order of the office of tax appeals for good cause.

(b) A hearing before the office of tax appeals shall be heard *de novo* and conducted pursuant to the provisions of the contested case procedure set forth in ~~article five, chapter twenty nine a~~ §29A-5-1 et seq. of this code to the extent not inconsistent with the provisions of this article. In case of conflict, the provisions of this article shall

govern. The provisions of ~~section five, article five, chapter twenty-nine a~~ §29A-5-5 of this code are not applicable to a hearing before the office of tax appeals.

(c) The office of tax appeals is not bound by the rules of evidence as applied in civil cases in the circuit courts of this state. The office of tax appeals may admit and give probative effect to evidence of a type commonly relied upon by a reasonably prudent person in the conduct of his or her affairs.

(d) All testimony shall be given under oath.

(e) Except as otherwise provided by this code or legislative rules, the taxpayer or petitioner has the burden of proof.

(f) The administrative law judge may ask for proposed findings of fact and conclusions of law from the parties prior to the issuance by the office of tax appeals of the decision in the matter.

(g) Hearings shall be exempt from the requirements of ~~article nine a, chapter six and article one, chapter twenty-nine b~~ §6-9A-1 et seq. and §29B-1-1 et seq. of this code.

(h) For all appeals regarding property tax assessments, taxability, and classifications pursuant to §11-3-1 et. seq., the standard of proof which a taxpayer must meet at all levels of review and appeal shall be a preponderance of the evidence standard.

§11-10A-19. Judicial review of office of tax appeals decisions.

(a) Either the taxpayer or the commissioner, or both, or in the case of property taxes the county assessor, or county commission, may appeal the final decision or order of the office of tax appeals by taking an appeal to the circuit courts of this state within 60 days after being served with notice of the final decision or order.

(b) The office of tax appeals may not be made a party in any judicial review of a decision or order it issued.

(c)(1) If the taxpayer appeals, the appeal may be taken in the circuit court of Kanawha County or any county:

(A) ~~Wherein~~ In which the activity sought to be taxed was engaged in;

(B) ~~Wherein~~ In which the taxpayer resides; ~~or~~

(C) ~~Wherein~~ In which the will of the decedent was probated or letters of administration granted; ~~or~~

(D) Wherein In which the real or personal property is assessed.

(2) If the Tax Commissioner appeals, the appeal may be taken in Kanawha County: *Provided*, That the taxpayer shall have the right to remove the appeal to the county:

(A) Wherein the activity sought to be taxed was engaged in;

(B) Wherein the taxpayer resides; ~~or~~

(C) Wherein the will of the decedent was probated or letters of administration granted; ~~or~~

(D) Wherein the real or personal property is assessed.

(3) In the event ~~both~~ parties appeal to different circuit courts, the appeals shall be consolidated. In the absence of agreement by the parties, the appeal shall be consolidated in the circuit court of the county in which the taxpayer filed the petition for appeal.

(d) The appeal proceeding shall be instituted by filing a petition for appeal with the circuit court, or the judge thereof in vacation, within the 60 day period prescribed in subsection (a) of this section. A copy of the petition for appeal shall be served on all parties appearing of record, other than the party appealing, by registered or certified mail. The petition for appeal shall state whether the appeal is taken on questions of law or questions of fact, or both, and set forth with particularity the items of the decision objected to, together with the reasons for the objections.

(e) If the appeal is of an assessment, except a jeopardy assessment for which security in the amount thereof was previously filed with the Tax Commissioner, then within 90 days after the petition for appeal is filed, or sooner if ordered by the circuit court,

the petitioner shall file with the clerk of the circuit court a cash bond or a corporate surety bond approved by the clerk. The surety must be qualified to do business in this state. These bonds shall be conditioned upon the petitioner performing the orders of the court. The penalty of this bond shall be not less than the total amount of tax or revenue plus additions to tax, penalties, and interest for which the taxpayer was found liable in the administrative decision of the office of tax appeals. Notwithstanding the foregoing and in lieu of the bond, the Tax Commissioner, upon application of the petitioner, may upon a sufficient showing by the taxpayer, certify to the clerk of the circuit court that the assets of the taxpayer are adequate to secure performance of the orders of the court: *Provided*, That if the Tax Commissioner refuses to certify that the assets of the taxpayer or other indemnification are adequate to secure performance of the orders of the court, then the taxpayer may apply to the circuit court for the certification. No bond may be required of the Tax Commissioner.

(f) The circuit court shall hear the appeal as provided in ~~section four, article five, chapter twenty nine a~~ §29A-5-4 of this code: *Provided*, That when the appeal is to review a decision or order on a petition for refund or credit, the court may determine the legal rights of the parties, but in no event shall it enter a judgment for money.

(g) Unless the Tax Commissioner appeals an adverse court decision, the commissioner, upon receipt of the certified order of the court, shall promptly correct his or her assessment or issue his or her requisition on the treasury or establish a credit for the amount of an overpayment.

(h) Either party may appeal to the Supreme Court of Appeals as provided in ~~article six, chapter twenty nine a~~ §29A-6-1 et seq. of this code.

(i) For all appeals regarding property tax assessments, taxability, and classifications pursuant to §11-3-1 et. seq., the standard of proof which a taxpayer must meet at all levels of review and appeal shall be a preponderance of the evidence standard.”

And,

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

Com. Sub. for H. B. 2581 - “A Bill to repeal §11-3-24b and §11-3-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-1C-10 of said code; and to amend and reenact §11-3-15c, §11-3-15f, §11-3-15h, §11-3-15i, §11-3-23, §11-3-23a, §11-3-24, §11-3-24a, §11-3-25a, and §11-3-32 of said code, and to amend and reenact §11-10A-1, §11-10A-7, §11-10A-8, §11-10A-10, and §11-10A-19 of said code, all generally relating to the valuation, assessment, review, and appellate rights of property owners regarding valuation, classification, and taxability of real estate and personal property taxation; directing the Tax Commissioner to, no later than July 1, 2021, propose emergency rules concerning the valuation of property producing oil, natural gas, natural gas liquids, or any combination thereof; providing methodology to determine fair market value and net proceeds; defining terms; providing taxpayers the option to furnish a formal appraisal to establish the value of their real property; providing that an assessor’s review is to be an informal process and defining the standard of proof which a taxpayer must meet to be no greater than a preponderance of the evidence; expanding the jurisdiction of the Office of Tax Appeals to include property tax valuation, classification, and taxability; providing that if an assessor rejects a petition, the petitioner may appeal to the county Board of Equalization and Review or the Office of Tax Appeals; allowing for certain appeals from decisions of the Tax Commissioner and Board of Equalization and Review to the Office of Tax Appeals; repealing and eliminating the Board of Assessment Appeals; providing for an increase in the number of administrative law judges and staff attorneys within the Office of Tax Appeals; providing for an effective date; and allowing appeal of decision of the Office of Tax Appeals to be made in the county in which the real or personal property is assessed.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 620**), and there were—yeas 66, nays 34, absent and not voting none, with the nays being as follows:

Nays: Barnhart, Bates, Booth, Brown, Bruce, Dean, Doyle, Evans, Ferrell, Fleischauer, Gearheart, Griffith, Hansen, Hornbuckle, Howell, J. Jeffries, Jennings, D. Kelly, Longanacre, Mallow, Mandt, McGeehan, Miller, Nestor, Paynter, Pethtel, Phillips, Pushkin, Reynolds, Rowe, Smith, Storch, Toney and G. Ward.

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

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 621**), and there were—yeas 57, nays 43, absent and not voting none, with the nays being as follows:

Nays: Barach, Barnhart, Boggs, Booth, Bridges, Brown, Bruce, Dean, Diserio, Doyle, Evans, Ferrell, Fleischauer, Fluharty, Garcia, Gearheart, Griffith, Hansen, Hornbuckle, J. Jeffries, Jennings, D. Kelly, Longanacre, Lovejoy, Mallow, Mandt, McGeehan, Miller, Nestor, Paynter, Pethtel, Phillips, Pushkin, Reynolds, Rowe, Smith, Storch, Thompson, Toney, Walker, G. Ward, Williams and Zukoff.

So, a majority of the members elected to the House having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2581) passed.

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

On this question, the yeas and nays were taken (**Roll No. 622**), and there were—yeas 73, nays 27, absent and not voting none, with the nays being as follows:

Nays: Barnhart, Booth, Bridges, Brown, Dean, Doyle, Fleischauer, Fluharty, Hansen, Hornbuckle, D. Kelly, Lovejoy, Mallow, McGeehan, Nestor, Paynter, Pethtel, Phillips, Pushkin, Reynolds, Storch, Thompson, Toney, Walker, G. Ward, Williams and Zukoff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2581) takes effect from its passage.

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 concurrence in the House of Delegates amendment to the Senate amendment, with further amendment, and the passage, as amended, of

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

Delegate Kessinger moved the House concur in the following amendment of the amendment by the Senate to the House amendment with further amendment:

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

**“CHAPTER 15A. DEPARTMENT OF MILITARY
AFFAIRS AND PUBLIC SAFETY.**

ARTICLE 7. BUREAU OF COMMUNITY CORRECTIONS.

§15A-7-5. Powers and duties of state parole officers.

(a) Each state probation and parole officer employed by the Division of Corrections and Rehabilitation shall:

(1) Investigate all cases referred to him or her for investigation by the Commissioner of Corrections and Rehabilitation and report in writing on the investigation;

(2) Update the standardized risk and needs assessment adopted by the Division of Corrections and Rehabilitation pursuant to §62-12-13(h) of this code for each parolee for whom an assessment has not been conducted for parole by a specialized assessment officer;

(3) Supervise each parolee according to the assessment and supervision standards determined by the Commissioner of Corrections and Rehabilitation;

(4) Furnish to each parolee under his or her supervision a written statement of the conditions of his or her parole together with a copy of the rules prescribed by the Commissioner of Corrections and Rehabilitation for the supervision of parolees;

(5) Keep informed concerning the conduct and condition of each parolee under his or her supervision and report on the conduct and condition of each parolee in writing as often as required by the Commissioner of Corrections and Rehabilitation;

(6) Use all practicable and suitable methods to aid and encourage a parolee and to bring about improvement in his or her conduct and condition;

(7) Keep detailed records of his or her work;

(8) Keep accurate and complete accounts of, and give receipts for, all money collected from parolees under his or her supervision, and pay over the money to persons designated by a circuit court or the Commissioner of Corrections and Rehabilitation;

(9) Give bond with good security, to be approved by the Commissioner of Corrections and Rehabilitation, in a penalty of not less than \$1,000 nor more than \$3,000, as determined by the Commissioner of Corrections and Rehabilitation; and

(10) Perform any other duties required by the Commissioner of Corrections and Rehabilitation.

(b) Each probation and parole officer, as described in this article, may, with or without an order or warrant: (1) Arrest or order confinement of any parolee or probationer under his or her

supervision; and (2) search a parolee or probationer, or a parolee or probationer's residence or property, under his or her supervision. A probation and parole officer may apply for a search warrant, and execute the search warrant, in connection to a parolee's whereabouts, or a parolee's activities. He or she has all the powers of a notary public, with authority to act anywhere within the state.

(c) The Commissioner of Corrections and Rehabilitation may issue a certificate authorizing any state parole officer who has successfully completed the Division of Corrections and Rehabilitation's training program for firearms certification, which is the equivalent of that required of any correctional employee under §15A-3-10 of this code, to carry firearms or concealed weapons. Any parole officer authorized by the Commissioner of Corrections and Rehabilitation may, without a state license, carry firearms and concealed weapons. Each state parole officer, authorized by the Commissioner of Corrections and Rehabilitation, shall carry with him or her a certificate authorizing him or her to carry a firearm or concealed weapon bearing the official signature of the Commissioner of Corrections and Rehabilitation.

(d) In recognition of their duties in their employment which constitute law enforcement, state parole officers are determined to be qualified law enforcement officers as that term is used in 18 U.S.C §926B.

(e) Any state parole officer may carry a concealed firearm for self-defense purposes pursuant to the provisions of 18 U.S.C. §926B if the following criteria are met:

(1) The Division of Corrections and Rehabilitation has a written policy authorizing a state parole officer to carry a concealed firearm for self-defense purposes;

(2) There shall be in place in the Division of Corrections and Rehabilitation a requirement that state parole officers must annually qualify in the use of a firearm with standards which are equal to or exceed those required of sheriff's deputies by the Law-Enforcement Professional Standards Program;

(3) The Division of Corrections and Rehabilitation issues a photographic identification and certification card which identify the state parole officers as law-enforcement employees of the home incarceration program as that term is contemplated by 18 U.S.C §926B.

(4) Any policy instituted pursuant to this subsection includes provisions which: (A) Preclude or remove a person from participation in the concealed firearm program; (B) preclude from participation persons prohibited by federal or state law from possessing or receiving a firearm and; (C) prohibit persons from carrying a firearm pursuant to the provisions of this subsection while in an impaired state as defined in §17C-5-2 of this code.

(5) Any state parole officer who participates in a program authorized by the provisions of this subsection is responsible, at his or her expense, for obtaining and maintaining a suitable firearm and ammunition.

(6) It is the intent of the Legislature in enacting the amendments to this section during the 2021 regular session of the Legislature to authorize state parole officers wishing to do so to meet the requirements of the federal Law-Enforcement Officer's Safety Act, 18 U.S.C. §926B.

CHAPTER 49. CHILD WELFARE.

ARTICLE 4. COURT ACTIONS.

§49-4-719. Juvenile probation officers; appointment; salary; facilities; expenses; duties; powers.

(a)(1) Each circuit court, subject to the approval of the Supreme Court of Appeals and in accordance with the rules of the Supreme Court of Appeals, shall appoint one or more juvenile probation officers and clerical assistants for the circuit. A probation officer or clerical assistant may not be related by blood or marriage to the appointing judge.

(2) The salary for juvenile probation officers and clerical assistants shall be determined and fixed by the Supreme Court of

Appeals. All expenses and costs incurred by the juvenile probation officers and their staff shall be paid by the Supreme Court of Appeals in accordance with its rules. The county commission of each county shall provide adequate office facilities for juvenile probation officers and their staff. All equipment and supplies required by juvenile probation officers and their staff shall be provided by the Supreme Court of Appeals.

~~(3) A juvenile probation officer may not be considered a law-enforcement official under this chapter.~~

(b) In recognition of their duties in their employment which constitute law enforcement, state juvenile probation officers are determined to be qualified law enforcement officers as that term is used in 18 U.S.C 926B.

(c) Any state juvenile probation officer may carry a concealed firearm for self-defense purposes pursuant to the provisions of 18 U.S.C. §926B if the following criteria are met:

(1) The Supreme Court of Appeals has a written policy authorizing a state juvenile probation officer to carry a concealed firearm for self-defense purposes;

(2) There shall be in place in the Supreme Court of Appeals a requirement that state juvenile probation officers must annually qualify in the use of a firearm with standards which are equal to or exceed those required of sheriff's deputies by the Law-Enforcement Professional Standards Program;

(3) The Supreme Court of Appeals issues a photographic identification and certification card which identify the state juvenile probation officers as law-enforcement employees as that term is contemplated by 18 U.S.C §926B.

(4) Any policy instituted pursuant to this subsection includes provisions which: (A) preclude or remove a person from participation in the concealed firearm program; (B) preclude from participation persons prohibited by federal or state law from possessing or receiving a firearm and; (C) prohibit persons from

carrying a firearm pursuant to the provisions of this subsection while in an impaired state as defined in §17C-5-2 of this code.

(5) Any state juvenile probation officer who participates in a program authorized by the provisions of this subsection is responsible, at his or her expense, for obtaining and maintaining a suitable firearm and ammunition.

(6) It is the intent of the Legislature in enacting the amendments to this section during the 2021 regular session of the Legislature to authorize state juvenile probation officers wishing to do so to meet the requirements of the federal Law-Enforcement Officer's Safety Act, 18 U.S.C. §926B.

(d) The privileges authorized by the amendments to this section enacted during the 2021 regular session of the legislature are wholly within the discretion of the Commissioner of Corrections and Rehabilitation.

~~(b)~~ (e) The clerk of a court shall notify, if practicable, the chief probation officer of the county, or his or her designee, when a juvenile is brought before the court or judge for proceedings under this article. When notified, or if the probation officer otherwise obtains knowledge of such fact, he or she or one of his or her assistants shall:

(1) Make investigation of the case; and

(2) Furnish information and assistance that the court or judge may require.

~~(e)~~(f) (1) The Supreme Court of Appeals may develop a system of community-based juvenile probation sanctions and incentives to be used by probation officers in response to violations of terms and conditions of probation and to award incentives for positive behavior.

(2) The community-based juvenile probation sanctions and incentives may consist of a continuum of responses from the least restrictive to the most restrictive, designed to respond swiftly,

proportionally and consistently to violations of the terms and conditions of probation and to reward compliance therewith.

(3) The purpose of community-based juvenile probation sanctions and incentives is to reduce the amount of resources and time spent by the court addressing probation violations, to reduce the likelihood of a new status or delinquent act, and to encourage and reward positive behavior by the juvenile on probation prior to any attempt to place a juvenile in an out-of-home placement.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver's license; possessing deadly weapons on premises housing courts of law and family law courts.

(a) The Legislature finds that the safety and welfare of the citizens of this state are inextricably dependent upon assurances of safety for children attending and persons employed by schools in this state and for persons employed by the judicial department of this state. It is for the purpose of providing assurances of safety that §61-7-11a(b), §61-7-11a(g), and §61-7-11a(h), of this code and §61-7-11a(b)(2)(I) of this code, are enacted as a reasonable regulation of the manner in which citizens may exercise the rights accorded to them pursuant to section 22, article III of the Constitution of the State of West Virginia.

(b) (1) It is unlawful to possess a firearm or other deadly weapon:

(A) On a school bus as defined in §17A-1-1 of this code;

(B) In or on the grounds of any primary or secondary educational facility of any type: *Provided*, That it shall not be unlawful to possess a firearm or other deadly weapon in or on the grounds of any private primary or secondary school, if such institution has adopted a written policy allowing for possession of

firearms or other deadly weapons in the facility or on the grounds ~~thereof of the facility~~; or

(C) At a school-sponsored function that is taking place in a specific area that is owned, rented, or leased by the West Virginia Department of Education, the West Virginia Secondary Schools Activities Commission, a county school board, or local public school for the actual period of time the function is occurring;

(2) This subsection does not apply to:

(A) A law-enforcement officer employed by a federal, state, county, or municipal law-enforcement agency;

(B) Any probation officer appointed pursuant to §62-12-5 or §49-4-719 of this code, in the performance of his or her duties;

(C) Any home incarceration supervisor employed by a county commission pursuant to §61-11B-7a of this code in the performance of his or her duties;

(D) A state juvenile probation officer appointed pursuant to §15A-7-5 of this code, while in performance of his or he official duties;

~~(E)~~ (E) A retired law-enforcement officer who meets all the requirements to carry a firearm as a qualified retired law-enforcement officer under the Law-Enforcement Officer Safety Act of 2004, as amended, pursuant to 18 U.S.C. §926C(c), carries that firearm in a concealed manner, and has on his or her person official identification in accordance with that act;

~~(F)~~ (F) A person, other than a student of a primary and secondary facility, specifically authorized by the board of education of the county or principal of the school where the property is located to conduct programs with valid educational purposes;

~~(G)~~ (G) A person who, as otherwise permitted by the provisions of this article, possesses an unloaded firearm or deadly weapon in

a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;

~~(F)~~ (H) Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms;

~~(G)~~ (I) The official mascot of West Virginia University, commonly known as the Mountaineer, acting in his or her official capacity;

~~(H)~~ (J) The official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his or her official capacity; or

~~(I)~~ (K) Any person, 21 years old or older, who has a valid concealed handgun permit. That person may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a public school: *Provided, That:*

(i) When he or she is occupying the vehicle the person stores the handgun out of view from persons outside the vehicle; or

(ii) When he or she is not occupying the vehicle the person stores the handgun out of view from persons outside the vehicle, the vehicle is locked, and the handgun is in a glove box or other interior compartment, or in a locked trunk, or in a locked container securely fixed to the vehicle.

(3) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than 10 years, or fined not more than \$5,000, or both fined and imprisoned.

(c) A school principal subject to the authority of the State Board of Education who discovers a violation of §61-7-11a(b) of this code shall report the violation as soon as possible to:

(1) The State Superintendent of Schools. The State Board of Education shall keep and maintain these reports and may prescribe rules establishing policy and procedures for making and delivering the reports as required by this subsection; and

(2) The appropriate local office of the State Police, county sheriff or municipal police agency.

(d) In addition to the methods of disposition provided by §49-5-1 *et seq.* of this code, a court which adjudicates a person who is 14 years of age or older as delinquent for a violation of §61-7-11a(b) of this code, may order the Division of Motor Vehicles to suspend a driver's license or instruction permit issued to the person for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. If the person has not been issued a driver's license or instruction permit by this state, a court may order the Division of Motor Vehicles to deny the person's application for a license or permit for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. A suspension ordered by the court pursuant to this subsection is effective upon the date of entry of the order. Where the court orders the suspension of a driver's license or instruction permit pursuant to this subsection, the court shall confiscate any driver's license or instruction permit in the adjudicated person's possession and forward it to the Division of Motor Vehicles.

(e)(1) If a person 18 years of age or older is convicted of violating §61-7-11a(b) of this code, and if the person does not act to appeal the conviction within the time periods described in §61-7-11a(e)(2) of this code, the person's license or privilege to operate a motor vehicle in this state shall be revoked in accordance with the provisions of this section.

(2) The clerk of the court in which the person is convicted as described in §61-7-11a(e)(1) of this code shall forward to the commissioner a transcript of the judgment of conviction. If the conviction is the judgment of a magistrate court, the magistrate court clerk shall forward the transcript when the person convicted has not requested an appeal within 20 days of the sentencing for the conviction. If the conviction is the judgment of a circuit court,

the circuit clerk shall forward a transcript of the judgment of conviction when the person convicted has not filed a notice of intent to file a petition for appeal or writ of error within 30 days after the judgment was entered.

(3) If, upon examination of the transcript of the judgment of conviction, the commissioner determines that the person was convicted as described in §61-7-11a(e)(1) of this code, the commissioner shall make and enter an order revoking the person's license or privilege to operate a motor vehicle in this state for a period of one year or, in the event the person is a student enrolled in a secondary school, for a period of one year or until the person's twentieth birthday, whichever is the greater period. The order shall contain the reasons for the revocation and the revocation period. The order of suspension shall advise the person that because of the receipt of the court's transcript, a presumption exists that the person named in the order of suspension is the same person named in the transcript. The commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions of §17C-5A-2 of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. The request for hearing shall be made within 10 days after receipt of a copy of the order of suspension. The sole purpose of this hearing is for the person requesting the hearing to present evidence that he or she is not the person named in the notice. If the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.

(4) For the purposes of this subsection, a person is convicted when he or she enters a plea of guilty or is found guilty by a court or jury.

(f)(1) It is unlawful for a parent, guardian, or custodian of a person less than 18 years of age who knows that the person is in violation of §61-7-11a(b) of this code or has reasonable cause to believe that the person's violation of §61-7-11a(b) of this code is imminent to fail to immediately report his or her knowledge or belief to the appropriate school or law-enforcement officials.

(2) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.

(g)(1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts.

(2) This subsection does not apply to:

(A) A law-enforcement officer acting in his or her official capacity; and

(B) A person exempted from the provisions of this subsection by order of record entered by a court with jurisdiction over the premises or offices.

(3) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.

(h)(1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts, with the intent to commit a crime.

(2) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than 10 years, or fined not more than \$5,000, or both fined and imprisoned.

(i) Nothing in this section may be construed to be in conflict with the provisions of federal law.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 11B. HOME INCARCERATION ACT.

§62-11B-7a. Employment by county commission of home incarceration supervisors; authority of supervisors.

(a) The county commission may employ one or more persons with the approval of the circuit court and who ~~shall be~~ is subject to the supervision of the sheriff as a home incarceration supervisor or may designate the county sheriff to supervise offenders ordered to undergo home incarceration and to administer the county's home incarceration program. Any ~~person so supervising~~ supervisor shall have authority, equivalent to that granted to a probation officer pursuant to §62-12-10 of this code, to arrest a home incarceration participant when reasonable cause exists to believe that ~~such~~ the participant has violated the conditions of his or her home incarceration. Unless otherwise specified, the use of the term "supervisor" in this article shall refer to a home incarceration supervisor.

(b) In recognition of the duties in their employment which constitute law enforcement, home confinement supervisors are determined to be qualified law enforcement officers as that term is used in 18 U.S.C. §926B.

(c) Any home incarceration supervisor may carry a concealed firearm for self-defense purposes pursuant to the provisions of 18 U.S.C. §926B if the following criteria are met:

(1) The home incarceration program has a written policy authorizing home incarceration supervisors to carry a concealed firearm for self-defense purposes.

(2) There is in place in the home incarceration program a requirement that the home incarceration supervisors must regularly qualify in the use of a firearm with standards for qualification which are equal to, or exceed those required of sheriff's deputies in the county in which the home incarceration supervisors are employed; and

(3) The home incarceration program issues a photographic identification and certification card which identify the home incarceration supervisors as law-enforcement employees of the home incarceration program of §30-29-12 of this code.

(4) Any policy instituted pursuant to subsection (b) of this section shall include provisions which: (A) preclude or remove a person from participation in the concealed firearm program; (B) preclude from participation persons prohibited by federal or state law from possessing or receiving a firearm and; (C) prohibit persons from carrying a firearm pursuant to the provisions of this subsection while in an impaired state as defines in §17C-5-2 of this code.

(5) Any home incarceration supervisor who participates in a program authorized by the provisions of this subsection is responsible, at his or her expense, for obtaining and maintaining a suitable firearm and ammunition.

(6) The privileges authorized by the amendments to this section enacted during the 2021 regular session of the Legislature are wholly within the discretion of the supervising authority over the home confinement supervisors.

(7) It is the intent of the Legislature in enacting the amendments to this section during the 2021 regular session of the Legislature to authorize home incarceration programs wishing to do so to allow home incarceration supervisors to meet the requirements of the federal Law-Enforcement Officer's Safety Act, 18 U.S.C. §926B.

ARTICLE 12. PROBATION AND PAROLE.

§62-12-5. Probation officers and assistants.

(a) Each circuit court, subject to the approval of the Supreme Court of Appeals and in accordance with its rules, is authorized to appoint one or more probation officers and clerical assistants.

(b) The appointment of probation officers and clerical assistants shall be in writing and entered on the order book of the court by the judge making such appointment and a copy of ~~said the~~ order of appointment shall be delivered to the Administrative Director of the Supreme Court of Appeals. The order of appointment shall state the annual salary, fixed by the judge and

approved by the Supreme Court of Appeals, to be paid to the appointed probation officer or clerical ~~assistants so appointed~~.

(c) The salary of probation officers and clerical assistants shall be paid at least twice per month, as the Supreme Court of Appeals by rule may direct and they shall be reimbursed for all reasonable and necessary expenses actually incurred in the line of duty in the field. The salary and expenses shall be paid by the state from the judicial accounts thereof. The county commission shall provide adequate office space for the probation officer and his or her assistants to be approved by the appointing court. The equipment and supplies as may be needed by the probation officer and his or her assistants shall be provided by the state and the cost thereof shall be charged against the judicial accounts of the state.

(d) ~~No~~ A judge may not appoint any probation officer, assistant probation officer or clerical assistant who is related to him or her either by consanguinity or affinity.

(e) Subject to the approval of the Supreme Court of Appeals and in accordance with its rules, a judge of a circuit court whose circuit comprises more than one county may appoint a probation officer and a clerical assistant in each county of the circuit or may appoint the same persons to serve in these respective positions in two or more counties in the circuit.

(f) Nothing contained in this section alters, modifies, affects or supersedes the appointment or tenure of any probation officer, medical assistant or psychiatric assistant appointed by any court under any special act of the Legislature heretofore enacted, and the salary or compensation of those persons shall remain as specified in the most recent amendment of any special act until changed by the court, with approval of the Supreme Court of Appeals, by order entered of record, and any such salary or compensation shall be paid out of the State Treasury.

(g) In order to carry out the supervision responsibilities set forth in §62-26-12 of this code, the Administrative Director of the Supreme Court of Appeals, or his or her designee, in accordance with the court's procedures, ~~is authorized~~ may to hire

multijudicial-circuit probation officers, to be employed through the court's Division of Probation Services. Such officers may also supervise probationers who are on probation for sexual offenses with the approval of the administrative director of the Supreme Court of Appeals or his or her designee.

(h) In recognition of their duties in their employment which constitute law enforcement, state probation officers are determined to be qualified law enforcement officers as that term is used in 18 U.S.C. §926B. (i) Any state probation officer may carry a concealed firearm for self-defense purposes pursuant to the provisions of 18 U.S.C. §926B if the following criteria are met:

(1) The Supreme Court of Appeals has a written policy authorizing probation officers to carry a concealed firearm for self-defense purposes.

(2) There is in place a requirement that the state probation officers annually qualify in the use of a firearm with standards for qualification which are equal to, or exceed those required of sheriff's deputies by the Law-Enforcement Professional Standards Program;

(3) The Supreme Court of Appeals issues a photographic identification and certification card which identify the state probation officers as qualified law-enforcement employees pursuant to the provisions of §30-29-12 of this code.

(4) Any policy instituted pursuant to this subsection shall include provisions which: (A) Preclude or remove a person from participation in the concealed firearm program; (B) preclude from participation persons prohibited by federal or state law from possessing or receiving a firearm and; (C) prohibit persons from carrying a firearm pursuant to the provisions of this subsection while in an impaired state as defines in §17C-5-2 of this code.

(5) Any state juvenile probation officer who participates in a program authorized by the provisions of this subsection is responsible, at his or her expense, for obtaining and maintaining a suitable firearm and ammunition.

(6) It is the intent of the Legislature in enacting the amendments to this section during the 2021 regular session of the Legislature to authorize state probation officers wishing to do so to meet the requirements of the federal Law-Enforcement Officer's Safety Act, 18 U.S.C. §926B consistent with subsection (i) of this section.

(d) The privileges authorized by the amendments to this section enacted during the 2021 regular session of the Legislature are wholly within the discretion of the Supreme Court of Appeals.

§62-12-6. Powers and duties of probation officers.

(a) Each probation officer shall:

(1) Investigate all cases which the court refers to the officer for investigation and shall report in writing on each case;

(2) Conduct a standardized risk and needs assessment, using the instrument adopted by the Supreme Court of Appeals of West Virginia, for any probationer for whom an assessment has not been conducted either prior to placement on probation or by a specialized assessment officer. The results of all standardized risk and needs assessments are confidential;

(3) Supervise the probationer and enforce probation according to assessment and supervision standards adopted by the Supreme Court of Appeals of West Virginia;

(4) Furnish to each person released on probation under the officer's supervision a written statement of the probationer's conditions of probation together with a copy of the rules prescribed by the Supreme Court of Appeals of West Virginia;

(5) Stay informed concerning the conduct and condition of each probationer under the officer's supervision and report on the conduct and condition of each probationer in writing as often as the court requires;

(6) Use all practicable and suitable methods to aid and encourage the probationer to improve his or her conduct and condition;

(7) Perform random drug and alcohol testing on probationers under his or her supervision as directed by the circuit court;

(8) Maintain detailed work records; and

(9) Perform any other duties the court requires.

(b) The probation officer may, with or without an order or warrant, arrest any probationer as provided in section ten of this article, and arrest any person on supervised release when there is reasonable cause to believe that the person on supervised release has violated a condition of release. A person on supervised release who is arrested shall be brought before the court for a prompt and summary hearing.

(c) Notwithstanding any provision of this code to the contrary:

(1) Any probation officer appointed on or after July 1, 2002, may carry handguns in the course of the officer's official duties after meeting specialized qualifications established by the Governor's Committee on Crime, Delinquency and Correction. The qualifications shall include the successful completion of handgun training, which is comparable to the handgun training provided to law-enforcement officers by the West Virginia State Police and includes a minimum of four hours' training in handgun safety.

(2) Probation officers may only carry handguns in the course of their official duties after meeting the specialized qualifications set forth in subdivision (1) of this subsection.

~~(3) Nothing in this subsection includes probation officers within the meaning of law enforcement officers as defined in section one, article twenty nine, chapter thirty of this code.~~

(d) The Supreme Court of Appeals of West Virginia may adopt a standardized risk and needs assessment with risk cut-off scores

for use by probation officers, taking into consideration the assessment instrument adopted by the Division of Corrections under subsection (h), section thirteen of this article and the responsibility of the Division of Justice and Community Services to evaluate the use of the standardized risk and needs assessment. The results of any standardized risk and needs assessment are confidential.”

And,

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

Com. Sub. for H. B. 2770 - “A Bill to amend and reenact §15A-7-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-4-719 of said code; to amend and reenact §61-7-11a of said code; to amend and reenact §62-11B-7a of said code; to amend and reenact §62-12-5, of said code and to amend and reenact §62-12-6 of said code, all relating generally to additional persons qualifying for the provisions of the Law-Enforcement Officers Safety Act; clarifying that home incarceration supervisors, state adult probation officers, juvenile probation officers, and state parole officers are qualified law enforcement officers who may carry a concealed firearm nationwide, as authorized by the federal Law-Enforcement Officers Safety Act; exempting certain persons from prohibition for carrying deadly weapons on the premises of educational facilities; providing the statutory authority to give home incarceration supervisors, state probation officers, juvenile probation officers, and parole officers the option to carry firearms pursuant to applicable federal law; requiring annual firearm training pursuant to federal law; removing inconsistent language relating to probation officers; clarifying that supervisory entities retain sole discretion as to authorizing participation of qualified officers in such program; providing for training to enable home incarceration supervisors, state probation officers, juvenile probation officers, and state parole officers to fully qualify as law enforcement officers if they have not previously done so; and setting forth the duties of supervising authorities as to participation of home incarceration supervisors, state probation officers, juvenile probation officers, and state parole officers.”

Because the motion by Delegate Kessinger would involve amending the bill to the fourth degree, the Speaker put the question of a rule suspension before the House.

On this question, the yeas and nays were taken (**Roll No. 623**), and there were—yeas 94, nays 6, absent and not voting none, with the nays being as follows:

Nays: Burkhammer, Cooper, Doyle, Fleischauer, J. Kelly and Summers.

So, two thirds of the members present having voted in the affirmative, the motion prevailed.

The House then concurred in the Senate amendment, with the further amendment, sponsored by Delegate Summers, being as follows:

On page one, section two, subsection (a), after the word “Certification”, by inserting the following:

“: *Provided*, That faith-based programs shall be given priority in the license application review process.”

On page 1, immediately following the enacting clause, by striking the remainder of the bill and inserting in lieu thereof the following:

**“CHAPTER 15A. DEPARTMENT OF HOMELAND
SECURITY.**

ARTICLE 7. BUREAU OF COMMUNITY CORRECTIONS.

§15A-7-5. Powers and duties of state parole officers.

(a) Each state probation and parole officer employed by the Division of Corrections and Rehabilitation shall:

(1) Investigate all cases referred to him or her for investigation by the Commissioner of Corrections and Rehabilitation and report in writing on the investigation;

(2) Update the standardized risk and needs assessment adopted by the Division of Corrections and Rehabilitation pursuant to §62-12-13(h) of this code for each parolee for whom an assessment has not been conducted for parole by a specialized assessment officer;

(3) Supervise each parolee according to the assessment and supervision standards determined by the Commissioner of Corrections and Rehabilitation;

(4) Furnish to each parolee under his or her supervision a written statement of the conditions of his or her parole together with a copy of the rules prescribed by the Commissioner of Corrections and Rehabilitation for the supervision of parolees;

(5) Keep informed concerning the conduct and condition of each parolee under his or her supervision and report on the conduct and condition of each parolee in writing as often as required by the Commissioner of Corrections and Rehabilitation;

(6) Use all practicable and suitable methods to aid and encourage a parolee and to bring about improvement in his or her conduct and condition;

(7) Keep detailed records of his or her work;

(8) Keep accurate and complete accounts of, and give receipts for, all money collected from parolees under his or her supervision, and pay over the money to persons designated by a circuit court or the Commissioner of Corrections and Rehabilitation;

(9) Give bond with good security, to be approved by the Commissioner of Corrections and Rehabilitation, in a penalty of not less than \$1,000 nor more than \$3,000, as determined by the Commissioner of Corrections and Rehabilitation; and

(10) Perform any other duties required by the Commissioner of Corrections and Rehabilitation.

(b) Each probation and parole officer, as described in this article, may, with or without an order or warrant:

(1) Arrest or order confinement of any parolee or probationer under his or her supervision; and

(2) search a parolee or probationer, or a parolee or probationer's residence or property, under his or her supervision. A probation and parole officer may apply for a search warrant, and execute the search warrant, in connection to a parolee's whereabouts, or a parolee's activities. He or she has all the powers of a notary public, with authority to act anywhere within the state.

(c) (1) Notwithstanding any other provision of this section, The Commissioner of Corrections and Rehabilitation may issue a certificate authorizing any state parole officer who has successfully completed the Division of Corrections and Rehabilitation's training program for firearms certification, which is the equivalent of that required of any correctional employee under §15A-3-10 of this code, to carry firearms or concealed weapons. Any parole officer authorized by the Commissioner of Corrections and Rehabilitation may, without a state license, carry firearms and concealed weapons. Each state parole officer, authorized by the Commissioner of Corrections and Rehabilitation, shall carry with him or her a certificate authorizing him or her to carry a firearm or concealed weapon bearing the official signature of the Commissioner of Corrections and Rehabilitation.

(2) State parole officers, in recognition of the duties in their employment supervising incarceration and supervised release and the inherent arrest powers for violation of the same which constitute law enforcement, are determined to be qualified law enforcement officers as that term is used in 18 U.S.C §926B.

(3) Any state parole officer may carry a concealed firearm for self-defense purposes pursuant to the provisions of 18 U.S.C. §926B if the following criteria are met:

(A) The Division of Corrections and Rehabilitation has a written policy authorizing a state parole officer to carry a concealed firearm for self-defense purposes.

(B) For those state parole officers wishing to avail themselves of the provisions of this subdivision, there shall be in place in the Division of Corrections and Rehabilitation a requirement that those state parole officers must annually qualify in the use of a firearm with standards which are equal to or exceed those required of sheriff's deputies by the Law-Enforcement Professional Standards Program; and

(C) The Division of Corrections and Rehabilitation issues a photographic identification and certification card which identify the state parole officers who meet the provisions of this subdivision, as law-enforcement employees of the Division of Corrections and Rehabilitation pursuant to the provisions of §30-29-12 of this code.

(D) Any policy instituted pursuant to this subsection includes provisions which:

(i) Preclude or remove a person from participation in the concealed firearm program;

(ii) preclude from participation persons prohibited by federal or state law from possessing or receiving a firearm and;

(iii) prohibit persons from carrying a firearm pursuant to the provisions of this subsection while in an impaired state as defined in §17C-5-2 of this code.

(E) Any state parole officer who participates in a program authorized by the provisions of this subsection is responsible, at his or her expense, for obtaining and maintaining a suitable firearm and ammunition.

(F) It is the intent of the Legislature in enacting the amendments to this section during the 2021 regular session of the Legislature to authorize those state parole officers wishing to do so to meet the requirements of the federal Law-Enforcement Officer's Safety Act, 18 U.S.C. §926B;

(G) The privileges authorized by the amendments in this section enacted during the 2021 regular session of the legislature

are wholly within the discretion of the Commissioner of Corrections and Rehabilitation.

CHAPTER 49. CHILD WELFARE.

ARTICLE 4. COURT ACTIONS.

§49-4-719. Juvenile probation officers; appointment; salary; facilities; expenses; duties; powers.

(a)(1) Each circuit court, subject to the approval of the Supreme Court of Appeals and in accordance with the rules of the Supreme Court of Appeals, shall appoint one or more juvenile probation officers and clerical assistants for the circuit. A probation officer or clerical assistant may not be related by blood or marriage to the appointing judge.

(2) The salary for juvenile probation officers and clerical assistants shall be determined and fixed by the Supreme Court of Appeals. All expenses and costs incurred by the juvenile probation officers and their staff shall be paid by the Supreme Court of Appeals in accordance with its rules. The county commission of each county shall provide adequate office facilities for juvenile probation officers and their staff. All equipment and supplies required by juvenile probation officers and their staff shall be provided by the Supreme Court of Appeals.

~~(3) A juvenile probation officer may not be considered a law-enforcement official under this chapter.~~

(b) In recognition of the duties in their employment supervising incarceration and supervised release and the inherent arrest powers for violation of the same which constitute law enforcement, state juvenile probation officers are determined to be qualified law enforcement officers as that term is used in 18 U.S.C §926B.

(c) Any state juvenile probation officer may carry a concealed firearm for self-defense purposes pursuant to the provisions of 18 U.S.C. §926B if the following criteria are met:

(1) The Supreme Court of Appeals has a written policy authorizing a state juvenile probation officer to carry a concealed firearm for self-defense purposes;

(2) There shall be in place in the Supreme Court of Appeals a requirement that state juvenile probation officers must annually qualify in the use of a firearm with standards which are equal to or exceed those required of sheriff's deputies by the Law-Enforcement Professional Standards Program;

(3) The Supreme Court of Appeals issues a photographic identification and certification card which identify the state juvenile probation officers as law-enforcement employees as that term is contemplated by 18 U.S.C §926B.

(4) Any policy instituted pursuant to this subsection includes provisions which:

(A) preclude or remove a person from participation in the concealed firearm program;

(B) preclude from participation persons prohibited by federal or state law from possessing or receiving a firearm and;

(C) prohibit persons from carrying a firearm pursuant to the provisions of this subsection while in an impaired state as defined in §17C-5-2 of this code.

(5) Any state juvenile probation officer who participates in a program authorized by the provisions of this subsection is responsible, at his or her expense, for obtaining and maintaining a suitable firearm and ammunition.

(6) It is the intent of the Legislature in enacting the amendments to this section during the 2021 regular session of the Legislature to authorize state juvenile probation officers wishing to do so to meet the requirements of the federal Law-Enforcement Officer's Safety Act, 18 U.S.C. §926B.

(7) The privileges authorized by the amendments to this section enacted during the 2021 regular session of the legislature are wholly within the discretion of the Commissioner of Corrections and Rehabilitation.

~~(b)~~ (c) The clerk of a court shall notify, if practicable, the chief probation officer of the county, or his or her designee, when a juvenile is brought before the court or judge for proceedings under this article. When notified, or if the probation officer otherwise obtains knowledge of such fact, he or she or one of his or her assistants shall:

(1) Make investigation of the case; and

(2) Furnish information and assistance that the court or judge may require.

~~(e)~~(f) (1) The Supreme Court of Appeals may develop a system of community-based juvenile probation sanctions and incentives to be used by probation officers in response to violations of terms and conditions of probation and to award incentives for positive behavior.

(2) The community-based juvenile probation sanctions and incentives may consist of a continuum of responses from the least restrictive to the most restrictive, designed to respond swiftly, proportionally and consistently to violations of the terms and conditions of probation and to reward compliance therewith.

(3) The purpose of community-based juvenile probation sanctions and incentives is to reduce the amount of resources and time spent by the court addressing probation violations, to reduce the likelihood of a new status or delinquent act, and to encourage and reward positive behavior by the juvenile on probation prior to any attempt to place a juvenile in an out-of-home placement.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver's license; possessing deadly weapons on premises housing courts of law and family law courts.

(a) The Legislature finds that the safety and welfare of the citizens of this state are inextricably dependent upon assurances of

safety for children attending and persons employed by schools in this state and for persons employed by the judicial department of this state. It is for the purpose of providing assurances of safety that §61-7-11a(b), §61-7-11a(g), and §61-7-11a(h), of this code and §61-7-11a(b)(2)(I) of this code, are enacted as a reasonable regulation of the manner in which citizens may exercise the rights accorded to them pursuant to section 22, article III of the Constitution of the State of West Virginia.

(b) (1) It is unlawful to possess a firearm or other deadly weapon:

(A) On a school bus as defined in §17A-1-1 of this code;

(B) In or on the grounds of any primary or secondary educational facility of any type: *Provided*, That it shall not be unlawful to possess a firearm or other deadly weapon in or on the grounds of any private primary or secondary school, if such institution has adopted a written policy allowing for possession of firearms or other deadly weapons in the facility or on the grounds thereof of the facility; or

(C) At a school-sponsored function that is taking place in a specific area that is owned, rented, or leased by the West Virginia Department of Education, the West Virginia Secondary Schools Activities Commission, a county school board, or local public school for the actual period of time the function is occurring;

(2) This subsection does not apply to:

(A) A law-enforcement officer employed by a federal, state, county, or municipal law- enforcement agency;

(B) Any probation officer appointed pursuant to §62-12-5 or state juvenile probation officer appointed pursuant to §49-4-719 ~~chapter 49~~ of this code, in the performance of his or her duties;

(C) Any home incarceration supervisor employed by a county commission pursuant to §61-11B-7a of this code in the performance of his or her duties;

(D) A state parole officer appointed pursuant to §15A-7-5 of this code, while in performance of his or her official duties;

~~(C)~~ (E) A retired law-enforcement officer who meets all the requirements to carry a firearm as a qualified retired law-enforcement officer under the Law-Enforcement Officer Safety Act of 2004, as amended, pursuant to 18 U.S.C. §926C(c), carries that firearm in a concealed manner, and has on his or her person official identification in accordance with that act;

~~(D)~~ (F) A person, other than a student of a primary and secondary facility, specifically authorized by the board of education of the county or principal of the school where the property is located to conduct programs with valid educational purposes;

~~(E)~~ (G) A person who, as otherwise permitted by the provisions of this article, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;

~~(F)~~ (H) Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms;

~~(G)~~ (I) The official mascot of West Virginia University, commonly known as the Mountaineer, acting in his or her official capacity;

~~(H)~~ (J) The official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his or her official capacity; or

~~(I)~~ (K) Any person, 21 years old or older, who has a valid concealed handgun permit. That person may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a public school: *Provided, That:*

(i) When he or she is occupying the vehicle, the person stores the handgun out of view from persons outside the vehicle; or

(ii) When he or she is not occupying the vehicle, the person stores the handgun out of view from persons outside the vehicle, the vehicle is locked, and the handgun is in a glove box or other interior compartment, or in a locked trunk, or in a locked container securely fixed to the vehicle.

(3) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than 10 years, or fined not more than \$5,000, or both fined and imprisoned.

(c) A school principal subject to the authority of the State Board of Education who discovers a violation of §61-7-11a(b) of this code shall report the violation as soon as possible to:

(1) The State Superintendent of Schools. The State Board of Education shall keep and maintain these reports and may prescribe rules establishing policy and procedures for making and delivering the reports as required by this subsection; and

(2) The appropriate local office of the State Police, county sheriff or municipal police agency.

(d) In addition to the methods of disposition provided by §49-5-1 *et seq.* of this code, a court which adjudicates a person who is 14 years of age or older as delinquent for a violation of §61-7-11a(b) of this code, may order the Division of Motor Vehicles to suspend a driver's license or instruction permit issued to the person for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. If the person has not been issued a driver's license or instruction permit by this state, a court may order the Division of Motor Vehicles to deny the person's application for a license or permit for a period of time as the court considers appropriate, not to extend beyond the person's nineteenth birthday. A suspension ordered by the court pursuant to this subsection is effective upon the date of entry of the order. Where the court orders the suspension of a driver's license or instruction permit pursuant to this subsection, the court shall confiscate any

driver's license or instruction permit in the adjudicated person's possession and forward it to the Division of Motor Vehicles.

(e)(1) If a person 18 years of age or older is convicted of violating §61-7-11a(b) of this code, and if the person does not act to appeal the conviction within the time periods described in §61-7-11a(e)(2) of this code, the person's license or privilege to operate a motor vehicle in this state shall be revoked in accordance with the provisions of this section.

(2) The clerk of the court in which the person is convicted as described in §61-7-11a(e)(1) of this code shall forward to the commissioner a transcript of the judgment of conviction. If the conviction is the judgment of a magistrate court, the magistrate court clerk shall forward the transcript when the person convicted has not requested an appeal within 20 days of the sentencing for the conviction. If the conviction is the judgment of a circuit court, the circuit clerk shall forward a transcript of the judgment of conviction when the person convicted has not filed a notice of intent to file a petition for appeal or writ of error within 30 days after the judgment was entered.

(3) If, upon examination of the transcript of the judgment of conviction, the commissioner determines that the person was convicted as described in §61-7-11a(e)(1) of this code, the commissioner shall make and enter an order revoking the person's license or privilege to operate a motor vehicle in this state for a period of one year or, in the event the person is a student enrolled in a secondary school, for a period of one year or until the person's twentieth birthday, whichever is the greater period. The order shall contain the reasons for the revocation and the revocation period. The order of suspension shall advise the person that because of the receipt of the court's transcript, a presumption exists that the person named in the order of suspension is the same person named in the transcript. The commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions of §17C-5A-2 of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. The request for hearing shall be made within 10 days

after receipt of a copy of the order of suspension. The sole purpose of this hearing is for the person requesting the hearing to present evidence that he or she is not the person named in the notice. If the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.

(4) For the purposes of this subsection, a person is convicted when he or she enters a plea of guilty or is found guilty by a court or jury.

(f)(1) It is unlawful for a parent, guardian, or custodian of a person less than 18 years of age who knows that the person is in violation of §61-7-11a(b) of this code or has reasonable cause to believe that the person's violation of §61-7-11a(b) of this code is imminent to fail to immediately report his or her knowledge or belief to the appropriate school or law-enforcement officials.

(2) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.

(g)(1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts.

(2) This subsection does not apply to:

(A) A law-enforcement officer acting in his or her official capacity; and

(B) A person exempted from the provisions of this subsection by order of record entered by a court with jurisdiction over the premises or offices.

(3) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.

(h)(1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts, with the intent to commit a crime.

(2) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than 10 years, or fined not more than \$5,000, or both fined and imprisoned.

(i) Nothing in this section may be construed to be in conflict with the provisions of federal law.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 11B. HOME INCARCERATION ACT.

§62-11B-7a. Employment by county commission of home incarceration supervisors; authority of supervisors.

(a) The county commission may employ one or more persons with the approval of the circuit court and who shall be subject to the supervision of the sheriff as a home incarceration supervisor or may designate the county sheriff to supervise offenders ordered to undergo home incarceration and to administer the county's home incarceration program. Any ~~person so supervising~~ supervisor shall have authority, equivalent to that granted to a probation officer pursuant to §62-12-10 of this code, to arrest a home incarceration participant when reasonable cause exists to believe that ~~such~~ the participant has violated the conditions of his or her home incarceration. Unless otherwise specified, the use of the term 'supervisor' in this article shall refer to a home incarceration supervisor.

(b) In recognition of the duties in their employment supervising incarceration and supervised release and the inherent arrest powers for violation of the same which constitute law enforcement, home confinement supervisors, are determined to be qualified law enforcement officers as that term is used in 18 U.S.C. §926B.

(c) Any home incarceration supervisor may carry a concealed firearm for self-defense purposes pursuant to the provisions of 18 U.S.C. §926B if the following criteria are met:

(1) The home incarceration program has a written policy authorizing home incarceration supervisors to carry a concealed firearm for self-defense purposes.

(2) There is in place in the home incarceration program a requirement that the home incarceration supervisors must regularly qualify in the use of a firearm with standards for qualification which are equal to, or exceed those required of sheriff's deputies in the county in which the home incarceration supervisors are employed; and

(3) The home incarceration program issues a photographic identification and certification card which identify the home incarceration supervisors as law-enforcement employees of the home incarceration program of §30-29-12 of this code.

(4) Any policy instituted pursuant to subsection (b) of this section shall include provisions which:

(A) preclude or remove a person from participation in the concealed firearm program;

(B) preclude from participation persons prohibited by federal or state law from possessing or receiving a firearm and;

(C) prohibit persons from carrying a firearm pursuant to the provisions of this subsection while in an impaired state as defines in §17C-5-2 of this code.

(5) Any home incarceration supervisor who participates in a program authorized by the provisions of this subsection is responsible, at his or her expense, for obtaining and maintaining a suitable firearm and ammunition.

(6) The privileges authorized by the amendments to this section enacted during the 2021 regular session of the Legislature are

wholly within the discretion of the supervising authority over the home confinement supervisors.

(7) It is the intent of the Legislature in enacting the amendments to this section during the 2021 regular session of the Legislature to authorize home incarceration programs wishing to do so to allow home incarceration supervisors to meet the requirements of the federal Law-Enforcement Officer's Safety Act, 18 U.S.C. §926B.

ARTICLE 12. PROBATION AND PAROLE.

§62-12-5. Probation officers and assistants.

(a) Each circuit court, subject to the approval of the Supreme Court of Appeals and in accordance with its rules, is authorized to appoint one or more probation officers and clerical assistants.

(b) The appointment of probation officers and clerical assistants shall be in writing and entered on the order book of the court by the judge making such appointment and a copy of ~~said the~~ order of appointment shall be delivered to the Administrative Director of the Supreme Court of Appeals. The order of appointment shall state the annual salary, fixed by the judge and approved by the Supreme Court of Appeals, to be paid to the appointed probation officer or clerical assistants ~~so appointed~~.

(c) The salary of probation officers and clerical assistants shall be paid at least twice per month, as the Supreme Court of Appeals by rule may direct and they shall be reimbursed for all reasonable and necessary expenses actually incurred in the line of duty in the field. The salary and expenses shall be paid by the state from the judicial accounts thereof. The county commission shall provide adequate office space for the probation officer and his or her assistants to be approved by the appointing court. The equipment and supplies as may be needed by the probation officer and his or her assistants shall be provided by the state and the cost thereof shall be charged against the judicial accounts of the state.

(d) ~~No~~ A judge may not appoint any probation officer, assistant probation officer or clerical assistant who is related to him or her either by consanguinity or affinity.

(e) Subject to the approval of the Supreme Court of Appeals and in accordance with its rules, a judge of a circuit court whose circuit comprises more than one county may appoint a probation officer and a clerical assistant in each county of the circuit or may appoint the same persons to serve in these respective positions in two or more counties in the circuit.

(f) Nothing contained in this section alters, modifies, affects or supersedes the appointment or tenure of any probation officer, medical assistant or psychiatric assistant appointed by any court under any special act of the Legislature heretofore enacted, and the salary or compensation of those persons shall remain as specified in the most recent amendment of any special act until changed by the court, with approval of the Supreme Court of Appeals, by order entered of record, and any such salary or compensation shall be paid out of the State Treasury.

(g) In order to carry out the supervision responsibilities set forth in §62-26-12 of this code, the Administrative Director of the Supreme Court of Appeals, or his or her designee, in accordance with the court's procedures, ~~is authorized~~ may to hire multijudicial-circuit probation officers, to be employed through the court's Division of Probation Services. Such officers may also supervise probationers who are on probation for sexual offences with the approval of the administrative director of the Supreme Court of Appeals or his or her designee.

(h) In recognition of the duties in their employment supervising incarceration and supervised release and the inherent arrest powers for violation of the same which constitute law enforcement, state probation officers are determined to be qualified law enforcement officers as that term is used in 18 U.S.C. §926B.

(i) Any state probation officer may carry a concealed firearm for self-defense purposes pursuant to the provisions of 18 U.S.C. §926B if the following criteria are met:

(1) The Supreme Court of Appeals has a written policy authorizing probation officers to carry a concealed firearm for self-defense purposes.

(2) There is in place a requirement that the state probation officers annually qualify in the use of a firearm with standards for qualification which are equal to, or exceed those required of sheriff's deputies by the Law-Enforcement Professional Standards Program;

(3) The Supreme Court of Appeals issues a photographic identification and certification card which identify the state probation officers as qualified law-enforcement employees pursuant to the provisions of §30-29-12 of this code.

(4) Any policy instituted pursuant to this subsection shall include provisions which:

(A) Preclude or remove a person from participation in the concealed firearm program;

(B) preclude from participation persons prohibited by federal or state law from possessing or receiving a firearm and;

(C) prohibit persons from carrying a firearm pursuant to the provisions of this subsection while in an impaired state as defines in §17C-5-2 of this code.

(5) Any state juvenile probation officer who participates in a program authorized by the provisions of this subsection is responsible, at his or her expense, for obtaining and maintaining a suitable firearm and ammunition.

(6) It is the intent of the Legislature in enacting the amendments to this section during the 2021 regular session of the Legislature to authorize state probation officers wishing to do so to meet the requirements of the federal Law-Enforcement Officer's Safety Act, 18 U.S.C. §926B.

(7) The privileges authorized by the amendments to this section enacted during the 2021 regular session of the Legislature are wholly within the discretion of the Supreme Court of Appeals.

§62-12-6. Powers and duties of probation officers.

(a) Each probation officer shall:

(1) Investigate all cases which the court refers to the officer for investigation and shall report in writing on each case;

(2) Conduct a standardized risk and needs assessment, using the instrument adopted by the Supreme Court of Appeals of West Virginia, for any probationer for whom an assessment has not been conducted either prior to placement on probation or by a specialized assessment officer. The results of all standardized risk and needs assessments are confidential;

(3) Supervise the probationer and enforce probation according to assessment and supervision standards adopted by the Supreme Court of Appeals of West Virginia;

(4) Furnish to each person released on probation under the officer's supervision a written statement of the probationer's conditions of probation together with a copy of the rules prescribed by the Supreme Court of Appeals of West Virginia;

(5) Stay informed concerning the conduct and condition of each probationer under the officer's supervision and report on the conduct and condition of each probationer in writing as often as the court requires;

(6) Use all practicable and suitable methods to aid and encourage the probationer to improve his or her conduct and condition;

(7) Perform random drug and alcohol testing on probationers under his or her supervision as directed by the circuit court;

(8) Maintain detailed work records; and

(9) Perform any other duties the court requires.

(b) The probation officer may, with or without an order or warrant, arrest any probationer as provided in section ten of this article, and arrest any person on supervised release when there is reasonable cause to believe that the person on supervised release has violated a condition of release. A person on supervised release who is arrested shall be brought before the court for a prompt and summary hearing.

(c) Notwithstanding any provision of this code to the contrary:

(1) Any probation officer appointed on or after July 1, 2002, may carry handguns in the course of the officer's official duties after meeting specialized qualifications established by the Governor's Committee on Crime, Delinquency and Correction. The qualifications shall include the successful completion of handgun training, which is comparable to the handgun training provided to law-enforcement officers by the West Virginia State Police and includes a minimum of four hours' training in handgun safety.

(2) Probation officers may only carry handguns in the course of their official duties after meeting the specialized qualifications set forth in subdivision (1) of this subsection.

~~(3) Nothing in this subsection includes probation officers within the meaning of law enforcement officers as defined in section one, article twenty nine, chapter thirty of this code.~~

(d) The Supreme Court of Appeals of West Virginia may adopt a standardized risk and needs assessment with risk cut-off scores for use by probation officers, taking into consideration the assessment instrument adopted by the Division of Corrections under subsection (h), section thirteen of this article and the responsibility of the Division of Justice and Community Services to evaluate the use of the standardized risk and needs assessment. The results of any standardized risk and needs assessment are confidential."

And,

The further title amendment, sponsored by Delegate Summers, amending the title of the bill to read as follows:

Com. Sub. for H. B. 2770 – “A Bill to amend and reenact §15A-7-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-4-719 of said code; to amend and reenact §61-7-11a of said code; to amend and reenact §62-11B-7a of said code; to amend and reenact §62-12-5, of said code and to amend and reenact §62-12-6 of said code, all relating generally to additional persons qualifying for the provisions of the Law-Enforcement Officers Safety Act; clarifying that home incarceration supervisors, state adult probation officers, juvenile probation officers, and state parole officers are, by virtue of their duties, qualified law enforcement officers who may carry a concealed firearm nationwide, as authorized by the federal Law-Enforcement Officers Safety Act; exempting certain persons from prohibition for carrying deadly weapons on the premises of educational facilities; providing the statutory authority to give home incarceration supervisors, state probation officers, juvenile probation officers, and parole officers the option to carry firearms pursuant to applicable federal law; requiring annual firearm training pursuant to federal law; removing inconsistent language relating to probation officers; clarifying that supervisory entities retain sole discretion as to authorizing participation of qualified officers in such program; providing for training to enable home incarceration supervisors, state probation officers, juvenile probation officers, and state parole officers to fully qualify as law enforcement officers if they have not previously done so; and setting forth the duties of supervising authorities as to participation of home incarceration supervisors, state probation officers, juvenile probation officers, and state parole officers.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 624**), and there were—yeas 95, nays 5, absent and not voting none, with the nays being as follows:

Nays: Doyle, Fleischauer, Horst, J. Kelly and J. Pack.

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. 2770) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 2895, Supplementing and amending the appropriations of public moneys to the Department of Veterans' Assistance.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 2900, Expiring funds to the balance of the Department of Education – State Board of Education – School Building Authority – School Construction Fund.

A message from the Senate, by

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

H. B. 3288, Supplementing and amending appropriations by decreasing and increasing existing items of appropriation in the DHHR.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 3313, Making supplemental appropriation to the Division of Motor Vehicles.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 3314, Making supplemental appropriation to West Virginia State Police.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 3315, Making supplemental appropriation to Division of Environmental Protection - Oil and Gas Reclamation Fund.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 3316, Supplemental appropriation to the Department of Education, State Board of Education.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendments of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 34, Creating exemption to state sales and use tax for rental and leasing of equipment.

A message from the Senate, by

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

Com. Sub. for S. B. 263, Permitting online raffles to benefit charitable and public service organizations.

On motion of Delegate Summers, the House concurred in the following amendments by the Senate:

On page seven, section fifteen, subsection (a), by striking out the word “twenty-five”.

And,

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

Com. Sub. for S. B. 263 – “A Bill to amend and reenact §47-20-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §47-20-15 of said code; to amend and reenact §47-21-2 of said code and to amend and reenact §47-21-15 of said code, all relating to charitable bingo and chartable raffles generally; authorizing charitable and public service organizations to raise funds by conducting raffles and bingo virtually over the Internet and authorizing reasonable, necessary, and actual expenses in operating charitable bingo and lottery occasions to not exceed forty percent of gross proceeds; and defining terms.”

The bill, as amended by the House, and further amended by the Senate, was put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 625**), and there were—yeas 82, nays 16, absent and not voting 2, with the nays, and the absent and not voting being as follows:

Nays: Barnhart, Bruce, Burkhammer, Conley, Fast, Ferrell, D. Jeffries, Jennings, D. Kelly, Kimes, Mazzocchi, L. Pack, Pinson, Toney, G. Ward and Worrell.

Absent and Not Voting: Foster and Longanacre.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 263) passed.

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

On this question, the yeas and nays were taken (**Roll No. 626**), and there were—yeas 84, nays 16, absent and not voting none, with the nays being as follows:

Nays: Barnhart, Bruce, Burkhammer, Conley, Fast, Hanna, D. Jeffries, Jennings, D. Kelly, Kimes, Mazzocchi, Pinson, Toney, B. Ward, G. Ward and Worrell.

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. 263) takes effect from its passage.

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 concurrence in the amendments of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 318, Relating generally to public notice of unclaimed property held by State Treasurer.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

Com. Sub. for S. B. 398, Limiting eligibility of certain employers to participate in PEIA plans.

A message from the Senate, by

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

S. B. 532, Limiting claims for state tax credits and rebates.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendments of the House of Delegates and requested the House to recede from its amendments to

Com. Sub. for S. B. 542, Relating generally to public electric utilities and facilities fuel supply for existing coal-fired plants.

Delegate Kessinger moved that the House of Delegates recede from its amendments.

On this motion, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 627**), and there were—yeas 70, nays 30, absent and not voting none, with the nays being as follows:

Nays: Barach, Bates, Boggs, Brown, Capito, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Mallow, McGeehan, Paynter, Pethtel, Pushkin, Queen, Rowe, Skaff, Thompson, Toney, Walker, Williams, Young and Zukoff.

So, a majority of the members present having voted in the affirmative, the motion prevailed.

The question now being on the passage of the bill, the yeas and nays were taken (**Roll No. 628**), and there were—yeas 89, nays 11, absent and not voting none, with the nays being as follows:

Nays: Barach, Diserio, Doyle, Fleischauer, Griffith, Hansen, Hornbuckle, McGeehan, Pushkin, Rowe and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 542) 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 adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

S. C. R. 76 - “Requesting the Joint Committee on Government and Finance study mental health parity in the State of West Virginia.”

Whereas, Mental health parity is complicated and difficult to ascertain even among mental health providers and insurers; and

Whereas, On one hand, providers of mental health services believe that these services are not being reimbursed or delivered on par with physical health services; yet, insurance companies believe that medical necessity criteria and their own internal standards should dictate the level of care; and

Whereas, To determine whether or not these services are being properly reimbursed or delivered, data must be produced by the insurance company; and

Whereas, Federal mental health parity laws require that limitations on mental health and addiction treatment be no greater than those for medical or surgical benefits; and

Whereas, Recently a federal court concluded in *Wit. V. United Healthcare* that the health insurer “breached its fiduciary duty by violating its duty of loyalty, its duty of care, and its duty to comply with plan terms by adopting Guidelines that [were] unreasonable and [did] not reflect generally accepted standards of care” for both residential mental health treatment and intensive outpatient mental health treatment. The court further states that insureds were harmed by being denied their right to fair adjudication of their claims for coverage based on guidelines that were developed solely for the insurer’s benefit. Furthermore, the court found “by a preponderance of the evidence, that [the insurer’s] guidelines were unreasonable and an abuse of discretion because they were more restrictive than generally accepted standards of care.”; and

Whereas, Mental health care providers experience burdensome utilization review paperwork and overly frequent reviews; and

Whereas, Managed care organizations are not following American Society of Addiction Medicine’s criteria for addiction treatment; and

Whereas, Timeliness of prior authorization denials for mental health care treatment by managed care organizations are resulting in loss of revenue for providers; and

Whereas, There are many inconsistencies between managed care organizations for mental health treatment guidelines which make consistent treatment difficult; and

Whereas, West Virginia is facing an ongoing opioid addiction epidemic, which harms not only affected citizens, but their families and communities; and

Whereas, Mental health initiatives are becoming increasingly important across the country as mental health diagnoses have risen; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study mental health parity in the State of West Virginia; and, be it

Further Resolved, That the study include analysis of guidelines used by managed plan organizations and health insurers in the state as applied to nonquantitative treatment limitations for benefits for behavioral health, mental health, and substance use disorders; and, be it

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

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

A message from the Senate, by

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

adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

S. C. R. 77 - “Requesting the Joint Committee on Government and Finance to study the fiscal impact of elimination or reduction of current tangible property tax, including commercial machinery and equipment, business inventory and tangible personal property, and corresponding revenue replacement mechanisms to mitigate the budgetary effects on political subdivisions including county and municipal governments, county school boards, and levying bodies.”

Whereas, Property taxes provide substantial revenues necessary to finance the provisions of local government services and substantive modifications to the current property taxation may significantly impact delivery of such; and

Whereas, Elimination or reduction of property taxes will have a disparate effect on political subdivisions across this state; and

Whereas, Revenue replacement mechanisms will also have a disparate effect in mitigating potential losses resulting from the elimination or reduction of property taxes; and

Whereas, Participation by all impacted political subdivisions and levying bodies is tantamount to ensuring sustainable delivery of public services to the citizenry; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the fiscal impact of elimination or reduction of current tangible property tax, including commercial machinery and equipment, business inventory and tangible personal property, and corresponding revenue replacement mechanisms to mitigate the budgetary effects on political subdivisions including county and municipal governments, county school boards and levying bodies; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2022,

on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

At 6:18 p.m., on motion of Delegate Summers, the House of Delegates recessed until 8:00 p.m.

* * * * *

Evening Session

* * * * *

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for S. B. 702, on Third reading, House Calendar, had been transferred to the Special Calendar.

In the absence of objection, **Com. Sub. for S. B. 702**, Relating to involuntary hospitalization, competency, and criminal responsibility of persons charged or convicted of certain crimes, was taken up for consideration.

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 629**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 702) passed.

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

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect May 27, 2021, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2002, Relating to Broadband.

On motion of Delegate Linville, the House 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 17. ROADS AND HIGHWAY.

ARTICLE 2E. DIG ONCE POLICY.

§17-2E-3. Use of rights-of-way; broadband conduit installation in rights-of-way; permits; agreements; compensation; valuation of compensation; telecommunications facilities construction and installation in rights of way.

~~(a) Before obtaining a permit for the construction or installation of a telecommunications facility in a right of way, a telecommunications carrier, must enter into an agreement with the division consistent with the requirements of this article.~~

~~(b) Before granting a permit for longitudinal access or wireless access to a right of way, the division shall:~~

~~(1) First enter into an agreement with a telecommunications carrier, that is competitively neutral and nondiscriminatory as to other telecommunications carriers, and~~

~~(2) Upon receipt of any required approval or concurrence by the Federal Highway Administration the division may issue a~~

~~permit granting access under this section: *Provided*, That the division shall comply with all applicable federal regulations with respect to approval of an agreement, including, but not limited to, 23 C.F.R. §710.403 and 23 C.F.R. §710.405. The agreement shall be approved by the Commissioner of Highways in order to be effective and, without limitation:~~

~~(A) Specify the terms and conditions for renegotiation of the agreement;~~

~~(B) Set forth the maintenance requirements for each telecommunications facility;~~

~~(C) Be nonexclusive; and~~

~~(D) Be for a term of not more than 30 years;~~

~~(e) Unless specifically provided for in an agreement entered into pursuant to subsection (a) of this section, the division may not grant a property interest in a right-of-way pursuant to this article.~~

~~(d) A telecommunications carrier shall compensate the division for the use of spare conduit or related facilities owned or controlled by the division as part of any longitudinal access or wireless access granted to a right of way pursuant to this section. The compensation must be, without limitation:~~

~~(1) At fair market value: *Provided*, That because the social, environmental, and economic benefits from such use of state highway rights of way is of overwhelming value to the citizens of this state and is in the overall public interest, the division shall establish the fair market value for purposes of this article at \$0 in monetary compensation;~~

~~(2) Competitively neutral;~~

~~(3) Nondiscriminatory;~~

~~(4) Open to public inspection;~~

~~(5) Determined based on the geographic region of this state, taking into account the population and the impact on private right-~~

~~of-way users in the region; and once determined, set at an amount that encourages the deployment of digital infrastructure within this state; and~~

~~(6) Paid with in-kind compensation.~~

~~(e) The division may consider adjustments for areas the division, in conjunction with the council, determines are underserved or unserved areas of the state and may consider the value to such areas for economic development, enhancing the transportation system, expanding opportunities for digital learning, and telemedicine.~~

~~(f) For the purpose of determining the amount of in-kind compensation a telecommunications carrier must pay the division for the use of spare conduit or excess conduit or related facilities of the division as part of any longitudinal access or wireless access granted to a right-of-way pursuant to this section, the division may:~~

~~(1) Conduct an analysis once every five years, in accordance with the rules, policies, or guidelines of the division, to determine the fair market value of a right-of-way to which access has been granted pursuant to this section; and~~

~~(2) Determine the fair market value of the in-kind compensation based on the incremental costs for the installation of conduit and related facilities~~

(a) If in-ground construction or installation of a telecommunications facility in rights-of-way owned or controlled by the division serves a public purpose and shall be accommodated as a utility pursuant to federal and state law, the division will receive applications and issue a permit consistent with this section with respect to requirements and conditions for performing work in division rights-of-way.

(b) Upon receipt of a complete application as specified in the Accommodation of Utilities on Highway Right-of-Way and Adjustment and Relocation of Utility Facilities on Highway Projects Policy, or equivalent policy, as may be currently enforced by the division, that specifies the requirements and conditions for

performing work in a right-of-way, the division shall, within 60 business days, advise applicant in writing of any deficiencies with the planned project that:

(1) Adversely affect the safety, design, construction, operation, maintenance, or stability of the state road system;

(2) Interfere with or impair the present use or planned future expansion of any affected highway or bridge;

(3) Conflict with applicable division policy with respect to requirements and conditions for performing work in division rights-of-way; or

(4) Violates applicable federal or state law.

(c) An applicant may correct any deficiencies and resubmit the application, which shall be reviewed by the division and either approved or denied within 30 days of the resubmittal. Any denial of a resubmittal shall be in writing and explain any deficiencies as provided in subsection (b) of this section. After the division approves a permit application, notwithstanding any other provision of this code to the contrary, the division shall issue a specific district level construction authorization for the approved project within 10 business days unless specific logistical issues reasonably prevent commencement.

(d) Compliance with applicable environmental laws shall at all times be the responsibility of the applicant. If any environmental clearance must be performed by the division before an application is approved, the division will notify the applicant in writing of all necessary requirements for such clearance within 15 business days of receiving a complete application. The division will also provide a list of all known federal and state entities with whom an applicant may also need to consult and coordinate for environmental clearance purposes.

(e) The division will create and make available for potential applicants an informational notice specific to in-ground telecommunications facility construction and installation that explains routine issues for such projects, including a consolidated

checklist or flow chart of all state or federal regulatory requirements, including but not limited to applicable permits, required reviews, required approvals, and required forms. The division shall annually update such informational notice for accuracy and completeness by coordination with each state or federal agency having required regulatory action in the permitting process legal, regulatory, and division requirements and may request the assistance of the Office of Broadband in preparing this informational notice.

(g) (f) The provisions of this article shall not apply to the relocation or modification of existing telecommunications facilities in a right-of-way, nor shall these provisions apply to aerial telecommunications facilities or associated apparatus or equipment in a right-of-way. Relocation of telecommunications facilities within rights-of-way for state highways shall be in accordance with the provisions of §17-4-17b of this code.

§17-2E-5. Telecommunications carrier initiated construction and joint use.

(a) Upon application for a permit, the ~~applying telecommunications carrier~~ applicant shall notify, by email, the ~~council~~ Office of Broadband and all other telecommunications carriers on record with the ~~council~~ office of the application. Other telecommunications carriers have 15 calendar days to notify the applicant of their interest to share the applicant's trench. This requirement extends to all underground construction technologies.

(b) If no competing telecommunications carrier provides notice of interest to share the applicant's trench within 15 calendar days of notice of the project, the ~~carrier applying for the permit~~ applicant shall ~~affirm that fact to the division prior to being issued a permit~~ provide written certification in accordance with subsection (g) of this section.

(c) If a competing telecommunications carrier provides notice of interest to share the applicant's trench, an agreement between the two (or more) telecommunications carriers shall be executed by those entities within 30 days of the notice of interest, outlining the

responsibilities and financial obligations of each, with respect to the installation within the right-of-way. The financial obligations of each carrier shall be based on the proportionate sharing of costs between each carrier for joint trenching or trench sharing based on the amount of conduit or innerduct space or excess conduit that is authorized in the agreements entered into pursuant to this article. If the division uses a trench, it shall also pay its proportional share unless it is utilizing the trench as in-kind payment for use of the right-of-way, or the division has otherwise determined, in its sole discretion, that including the division in the apportionment of costs is not warranted. A copy of the executed agreement shall be provided to the division.

(d) Should a dispute arise between the initial applying telecommunications carrier and a competing telecommunications carrier, including a failure to execute an agreement required by subsection (c) of this section, the dispute shall be adjudicated by the Public Service Commission. All disputes brought to the Public Service Commission under this article shall be adjudicated within 45 days.

(e) If two or more telecommunications carriers are required or authorized to share a single trench, each carrier in the trench must share the cost and benefits of the trench in a fair, reasonable, competitively neutral, and nondiscriminatory manner. This requirement extends to all underground construction technologies.

~~(f) The commissioner of the division shall promulgate rules governing the relationship between the telecommunications carriers, as hereinafter provided in this article~~

~~(g)~~ The provisions of this section do not apply to the following projects:

(1) Projects where the total continuous length of the trench is less than 1,000 feet;

(2) Projects that use the direct bury of cable or wire facilities;

(3) Projects that are solely for the service of entities involved in national security matters or where the disclosure or sharing of a trench location would be against federal policy; or

(4) Projects made available for lease to competing telecommunications carriers on a nondiscriminatory basis at rates established by the rules of the Federal Communications Commission Projects where the telecommunications carrier installs an amount of spare conduit or innerduct equal to what is being installed for its own use and which is given to the Office of Broadband. Such spare conduit or innerduct shall be made available for sale or lease to competing telecommunications carriers on a nondiscriminatory basis at rates apportioned on the basis of the cost of the installation thereof, to other telecommunications providers, and the revenues derived from such sale, less any costs associated therewith, shall be remitted to the telecommunications carrier that installed such spare conduit or innerduct established by the rules of the Federal Communications Commission in a manner consistent with all applicable state and federal law and regulations. All carriers installing spare conduit or innerduct shall notify the council and the Office of Broadband of the location and capacity of such spare conduit and innerduct upon completion of the project, and the council shall make such information publicly available for competing telecommunications carriers.

(g) The Office of Broadband is responsible for ensuring compliance with this section and will provide the division and the applicant with certification of compliance at such time as the applicant has met all of the requirements of this section.

§17-2E-6. In-kind compensation.

[Repealed].

§17-2E-7. ~~Multiple carriers in a single trench.~~ Use of telecommunications facilities owned or controlled by Division of Highways.

~~(a) If the Division of Highways enters into an agreement with two or more telecommunications carriers, a consortium or other~~

~~entity whose members, partners or other participants are two or more telecommunications carriers, or, if the Division requires or allows two or more telecommunications carriers to share a single trench, the agreements entered into pursuant to this article shall require that the telecommunications carriers share the obligation of compensating the Division of Highways on a fair, reasonable and equitable basis, taking into consideration the proportionate uses and benefits to be derived by each telecommunications carrier from the trench, conduits, and other telecommunications facilities installed under the agreements.~~

~~(b) The provisions of §17-2E-7(a) of this code do not prevent the Division of Highways from requiring every participating telecommunications carrier to bear joint and several liability for the obligations owed to the Division of Highways under the agreements.~~

~~(c) Any agreement requiring two or more telecommunications carriers to share the obligation of compensating the Division of Highways shall provide the Division the right to review and audit the records and contracts of and among the participating carriers to ensure compliance with §17-2E-7(a) of this code~~

The division may enter into an agreement and issue a permit consistent with the requirements of §17-2E-3 of this code to allow any carrier to use excess telecommunications facilities owned or controlled by the division: *Provided*, That this section shall be subject to the provisions of the Vertical Real Estate Management and Availability Act, as provided for in §31G-5-1 *et seq.* of this code, and no excess telecommunications facilities owned or controlled by the division subject to §31G-5-1 *et seq.* of this code shall be governed by the provisions of this section.

§17-2E-8. Existing policies. Disposal of in-kind compensation; excess telecommunications facilities.

~~(a) The requirements set forth in this article do not alter existing rules, policies, and procedures relating to other utility facilities within a right of way or for accommodating utility facilities or other facilities under the control of the Division of Highways.~~

~~(b) The Division of Highways may consider the financial and technical qualifications of a telecommunications carrier when determining specific insurance requirements for contractors authorized to enter a right of way to construct, install, inspect, test, maintain, or repair telecommunications facilities with longitudinal access or wireless access to the right of way.~~

~~(c) If the Division of Highways authorizes longitudinal access, wireless access, or the use of, and access to, conduit or related facilities of the Division for construction and installation of a telecommunications facility, the Division may require an approved telecommunications carrier to install the telecommunications facility in the same general location as similar facilities already in place, coordinate their planning and work with other contractors performing work in the same geographic area, install in a joint trench when two or more telecommunications carriers are performing installations at the same time and equitably share costs between such carriers.~~

~~(d) The placement, installation, maintenance, repair, use, operation, replacement, and removal of telecommunications facilities with longitudinal access or wireless access to a right of way or that use or access conduit or related facilities of the Division shall be accommodated only when in compliance with this code and Division of Highways rules, policies and guidelines.~~

~~(e) Access to a right-of-way must be administered in compliance with the Telecommunications Act of 1996, 47 U.S.C. §151, *et seq.*, as amended~~

Upon written approval of the Governor, the division may transfer or assign the ownership, control, or any rights related to any excess telecommunications facilities owned or controlled by the division to any other state agency.

§17-2E-9. Rule-making authority.

~~The Commissioner of the Division of Highways may promulgate rules pursuant to the provisions of §29A-3-15 of this~~

~~code as may be necessary to carry out the purpose of this article, and as may have been specifically delineated within this article~~

The commissioner of the division may promulgate rules pursuant to the provisions of §29A-3-1 et seq. of this code as may be necessary to carry out the purpose of this article.

CHAPTER 31G. BROADBAND ENHANCEMENT AND EXPANSION POLICIES.

ARTICLE 1. BROADBAND ENHANCEMENT COUNCIL.

§31G-1-4. Powers and duties of the council generally.

(a) The council shall

(1) Explore any and all ways to expand access to broadband services, including, but not limited to, middle mile, last mile and wireless applications;

(2) Gather data regarding the various speeds provided to consumers in comparison to what is advertised. The council may request the assistance of the Legislative Auditor in gathering this data;

(3) Explore the potential for increased use of broadband service for the purposes of education, career readiness, workforce preparation and alternative career training;

(4) Explore ways for encouraging state and municipal agencies to expand the development and use of broadband services for the purpose of better serving the public, including audio and video streaming, voice-over Internet protocol, teleconferencing and wireless networking; ~~and~~

(5) Cooperate and assist in the expansion of electronic instruction and distance education services; and

(6) Explore ways to achieve digital equality of opportunity throughout the state, which is a condition where all individuals and communities have the information technology capacity needed for full participation in our society, democracy and economy.

(b) In addition to the powers set forth elsewhere in this article, the council is hereby granted ~~has and may exercise the powers authority necessary or appropriate to carry out and effectuate the purpose and intent of this article, as to:~~ The council shall have the power and capacity to

~~(1) Provide consultation services to project sponsors in connection with the planning, acquisition, improvement, construction or development of any broadband deployment project~~

~~(2)~~ (1) Promote awareness of public facilities that have community broadband access that can be used for distance education and workforce development;

~~(3)~~ (2) Advise on deployment of e-government portals such that all public bodies and political subdivisions have homepages, encourage one-stop government access and that all public entities stream audio and video of all public meetings;

~~(4)~~ (3) Make and execute contracts, commitments and other agreements necessary or convenient for the exercise of its powers; including, but not limited to, the hiring of consultants to perform the duties of the council ~~assist in the mapping of the state and categorization of areas within the state;~~

~~(5)~~ (4) Acquire by gift or purchase, hold, or dispose of real property and personal property in the exercise of its powers and performance of its duties as set forth in this article; and

~~(4)~~ (5) Receive and dispense funds appropriated for its use by the Legislature ~~or other funding sources or solicit, apply for and receive any funds, property or services from any person, governmental agency or organization~~ to carry out its statutory duties.

~~(7) to oversee the use of conduit installed pursuant to section two of article three of this chapter; and to~~

~~(8) Perform any and all other activities in furtherance of its purpose~~

(c) The council shall ~~exercise its powers and authority to advise and make recommendations to the Legislature Office of Broadband, and shall coordinate with the office on bringing broadband service to unserved and underserved areas, as well as to propose statutory changes that may enhance and expand broadband in the state.~~

(d) The council shall report to the Secretary of Economic Development ~~Joint Committee on Government and Finance~~ on or before ~~January~~ December 1 of each year. The report shall include the action that was taken by the council during the previous year in carrying out the provisions of this article. The council shall also make any other reports as may be required by the Legislature or the Governor.

§31G-1-6. Mapping of areas within state.

[Repealed]

§31G-1-9. Collection of data.

[Repealed]

§31G-1-12. Grants.

[Repealed]

ARTICLE 1A. OFFICE OF BROADBAND.

§31G-1A-1. Office of Broadband; Director of Office.

There is hereby established an Office of Broadband, which shall be organized within the Department of Economic Development under the authority of the Secretary of Economic Development. The Office of Broadband shall be managed by a director, who shall report to the Secretary of Economic Development.

§31G-1A-2. Powers and duties of the Office of Broadband generally.

(a) The Office of Broadband shall have the following duties:

(1) Explore any and all ways to expand access to broadband services, including, but not limited to, middle mile, last mile, and wireless applications;

(2) Gather data regarding the various speeds provided to consumers in comparison to what is advertised. The office may request the assistance of the Legislative Auditor in gathering this data;

(3) Cooperate and assist in the expansion of electronic instruction and distance education services;

(4) Gather and report data regarding the adoption by broadband services, by speed, and by community, separately for residential and non-residential consumers;

(5) Gather and report data regarding prices charged for broadband services to residential and non-residential consumers, including, but not limited to one-time fees, monthly fees, termination fees, equipment fees, and other fees;

(6) Incorporate the goal of digital equality in its fulfillment of responsibilities, which is a condition where all individuals and communities have the information technology capacity needed for full participation in our society, democracy, and economy;

(7) Provide for the increased public awareness of issues concerning broadband services; and

(8) Report to the Joint Committee on Government and Finance of the West Virginia Legislature on or before December 30 of each year.

(b) In addition to the powers set forth elsewhere in this article, the Office of Broadband is hereby granted the authority necessary and appropriate to carry out and effectuate the purpose and intent of this article, including, but not limited to, the authority to:

(1) Make and execute contracts, commitments, and other agreements necessary or convenient for the exercise of its powers, including, but not limited to, the hiring of consultants to assist in

the mapping of the state and categorization of areas within the state;

(2) Acquire by gift or purchase, hold, or dispose of real or personal property in the exercise of its powers and performance of its duties as set forth in this article;

(3) Receive and dispense funds appropriated for its use by the Legislature or other funding sources or solicit, apply for, and receive any funds, property, or services from any person, governmental agency, or organization to carry out its statutory duties;

(4) To oversee the use of conduit installed pursuant to §31G-3-2 of this code;

(5) Make recommendations to the Legislature on bringing broadband service to areas of the state;

(6) Contract with and retain outside expert consultants to assist in the purposes of this article;

(7) Create guidelines for, and recommend to the Legislature, a means of implementing a voluntary donation program to allow for pipeline, railroad, and other similar structures and rights-of-way in the state to be donated to the state for use by public or private entities to facilitate broadband service and availability through placement of fiber;

(8) Create guidelines for, and recommend to the Legislature, a means of implementing a program to allow for an easement program to be established to allow public or private entities to facilitate broadband service and availability through placement of fiber;

(9) Coordinate with the Consumer Protection Division of the Office of the Attorney General to provide for the following consumer protections:

(A) If a broadband service to a subscriber is interrupted for more than 24 continuous hours, such subscriber shall, upon request,

receive a credit or refund from the broadband operator in an amount that represents the proportionate share of such service not received in a billing period, provided such interruption is not caused by the subscriber;

(B) A broadband operator may not deny service, deny access, or otherwise discriminate against subscribers, channel users, or any other citizens on the basis of age, race, religion, sex, physical handicap, political affiliation, political views, or exercise of other speech protected by the 1st Amendment to the United States Constitution, or country of natural origin;

(C) A broadband operator shall provide subscribers 30 days advance written notice of any changes to rates or charges, including the expiration of any promotion or special pricing that would result in an increase in the subscribers billing or cost of service; and

(D) A broadband operator shall inform subscribers and provide written notice to subscribers that disputes regarding interrupted or substandard service or billing issues, which are unresolved to satisfaction of the subscriber; and

(10) Perform any and all other activities in furtherance of the purposes of this article.

(c) In furtherance of the purposes of this article, the Office of Broadband is permitted to seek non-state funding and grants. The Office of Broadband may utilize funding and grants to support the responsibilities, initiatives, and projects set forth in this article. The Office of Broadband may additionally disburse such moneys to fund projects and initiatives in furtherance of the enhancement and expansion of broadband services in this state, and the other purposes of this article.

§31G-1A-3. Mapping of areas within state.

(a) Based on its analysis of data, broadband demand, and other relevant information, the Office of Broadband shall establish a mapping of broadband services in the state. The council shall publish an annual assessment and map of the status of broadband, including specific designations of unserved areas of the state. With

respect to unserved areas of the state, the Office of Broadband shall, to the extent it is able, map project areas with funding provided by public entities. For the purposes of this section, the term ‘unserved area’ means an area lacking broadband internet service from at least one terrestrial broadband internet service provider offering all of the following in at least one service plan to residential consumers: (1) an actual downstream data rate of at least 25 megabits per second; and (2) an actual upstream data rate of at least three megabits per second; and (3) unlimited data usage without overage charges; and (4) unlimited data usage without ‘throttling’ or reduction of downstream or upstream data rate due, in whole or in part, to the amount of data transferred in any period.

(b) To the extent possible, and subject to limitations contained in subsection (g) of this section, the Office of Broadband shall additionally establish an interactive public map reflecting estimated or actual downstream data rate and upstream data rate in a particular region, area, community, street or location. Any such mapping may only specify data rates at a particular street address or physical location, and shall not make public the IP address or the name of the specific individual at such location. This map shall be known as the West Virginia Broadband Availability Map.

(c) To the extent possible, and subject to limitations contained in subsection (g) of this section, the Office of Broadband shall additionally establish an interactive public map reflecting the adoption of broadband services, separately by estimated or actual downstream data rate and upstream data rates, in a particular region, area, community, street or location. Any such mapping shall provide data separately for residential connections and non-residential connections. This map shall be known as the West Virginia Broadband Adoption Map.

(d) The mapping provided for in this section may be based on information collected or received by the Broadband Council and Office of Broadband, including, but not limited to, data collected from:

(1) State and federal agencies or entities that collect data on broadband services;

(2) Industry provided information;

(3) Consumer data provided to the Broadband Council or Office of Broadband pursuant to §31G-1A-6 and §31G-1A-9 of this code; and

(4) Other data sources procured by or provided to the Office of Broadband or the Broadband Council.

(e) Any entity that has received or hereinafter receives state or federal moneys, and which has used those moneys to install infrastructure used for broadband services, shall furnish detailed information concerning the location, type, and extent of such infrastructure to the Office of Broadband for use in mapping and shall furnish the location, type, and prices of any broadband services subscribed to by residential (and separately non-residential) consumers as a result of the installed infrastructure.

(f) The mapping and designations provided for under this section may be revised on a continuing basis by the office as warranted by the data and information provided.

(g) In addition to the provisions of §31G-1A-13 of this code, the mapping of broadband services may exclude from public accessibility and availability:

(1) The location or identity of any critical infrastructure used by public or private entities in furtherance of their internet services;

(2) Personal name and personal IP addresses connected with particular data rates; and

(3) Information designated as confidential for public security reasons by either state or federal homeland security agencies: *Provided*, That it shall be duty of the public and private entities to make the Office of Broadband aware of such confidential designation: *Provided, however*, That unless the Office of Broadband determines good cause exists, the actual or estimated upstream and downstream data rates of an area or region of the state shall not be excluded from public or private availability.

(h) All executive agencies which have permitting and/or regulatory approval authority over any project permitted or reviewed and approved pursuant to §17-2E-3 of this code shall cooperate with and provide all necessary information to the Office of Broadband to determine the feasibility and federal allowability of creating Advanced Regulatory Environment Analysis (AREA) maps. AREA maps will pre-survey likely routes for middle-mile infrastructure so all relevant information can be included in a centralized GIS mapping system to be maintained by the Office of Broadband for utilization by the private sector when extending new fiber infrastructure pursuant to §17-2E-1 *et seq.* of this code. AREA mapping shall also include, but is not limited to, any areas already granted Finding of No Significant Impact ('FONSI'), categorical exclusions ('CATEX'), areas prior approved by the West Virginia State Historic Preservation Office ('SHPO'), and all West Virginia Division of Highways mapping for permits that include installation of infrastructure.

(i) If in analyzing the consumer-supplied speed data for an area of two square miles or more, the Office of Broadband finds that speeds supplied by a provider are less than 80% of the lowest speed tier advertised by the provider in more than 40% of the tests in that area in a calendar year, then the Office of Broadband shall notify the Consumer Protection Division of the Attorney General's Office, and shall transmit such records of any relevant speed tests in their custody to the Consumer Protection Division of the Attorney General's Office.

§31G-1A-4. Collection of data.

(a) In order to ascertain, categorize, analyze, map, and update the status of broadband in the state, as well as to enable the Office of Broadband to make informed policy and legislative recommendations, the Office of Broadband may establish a voluntary data collection program. The program may include voluntarily submitted data from internet service providers, including any home or region data rate meters utilized by the provider. The program may also utilize and collect voluntarily submitted data rate information submitted by any person reflecting the person's personal data rate at a particular IP address. This

personal data rate may be based upon a web-based test or analysis program.

(b) Any and all data collected by the Office of Broadband shall not be deemed public information and is not subject to public release or availability pursuant to §29B-1-1 et seq. of this code.

(c) Any data collection program established by the Office of Broadband shall:

(1) Make clear to those providers or persons submitting information that the data rate speed may become public, including specific reference to the person's physical address;

(2) Make clear this is a voluntary data collection program and that submission of information shall be deemed consent to use and make public such data rate information; and

(3) Not include any person's personal web history or search information, or otherwise publicly identify the person's name in connection with an IP address or physical address.

(d) The Office of Broadband may establish guidelines and additional rules governing a data collection program through the legislative rulemaking pursuant to the provisions of §29A-3-1 et seq. of this code.

§31G-1A-5. Protection of proprietary business information.

(a) Broadband deployment information provided to the Office of Broadband or its consultants and other agents, including, but not limited to, physical plant locations, subscriber levels, and market penetration data, constitutes proprietary business information and, along with any other information that constitutes trade secrets, shall be exempt from disclosure under the provisions of §29B-1-1 et seq. of this code: *Provided*, That the information is identified as or would reasonably be contemplated to be confidential information when submitted to the Office of Broadband.

(b) Trade secrets or proprietary business information obtained by the council or the Office of Broadband from broadband

providers and other persons or entities shall be secured and safeguarded by the state. Such information or data shall not be disclosed to the public or to any firm, individual, or agency other than officials or authorized persons of the state.

(c) The official charged with securing and safeguarding trade secrets and proprietary data for the Office of Broadband is the Secretary of Economic Development, who is authorized to establish and administer appropriate security measures.

§31G-1A-6. Legislative rule-making authority.

In order to implement and carry out the intent of this article, the Secretary of the Department of Economic Development may propose rules for legislative approval pursuant to the provisions of §29A-3-1 et seq. of this code.

ARTICLE 3. CONDUIT INSTALLATION; MICROTRENCHING.

§31G-3-3. Conduit installation or fiber installation by counties, municipalities, and other political subdivisions.

(a) Notwithstanding any other provision of this code to the contrary, any county, municipality, or other political subdivision of the State of West Virginia may:

(1) Install or contract with any entity for the installation of conduit, fiber, or broadband facilities throughout that political subdivision;

(2) Partner with any of the following entities, or any combination thereof, to install such conduit or communications facilities throughout that political subdivision:

(A) Nonprofit organization;

(B) Cooperative association;

(C) Another county, municipality, or political subdivision;

(D) Private corporations, company, or person; or

(E) Public-private partnership; and

(4) Partner with any of the following entities, or any combination thereof, which operate a network operations center, to operate a fiber network: *Provided*, That a political subdivision may operate a network for their own use:

(A) Nonprofit organization;

(B) Cooperative association;

(C) Another county, municipality, or political subdivision;

(D) Private corporations, company, or person; or

(E) Public-private partnership.

§31G-3-4. Compatible use.

(a) A broadband operator shall be authorized to construct or operate a broadband system:

(1) Over public rights-of-way; and

(2) Through easements, which are within the area to be served by the broadband system and which have been dedicated for compatible uses.

(b) In installing, operating, and maintaining facilities, the broadband operator shall avoid all unnecessary damage and injury to any trees, structures, and improvements in and along the routes utilized for the system.

(c) The broadband operator shall indemnify and hold the state, county and municipality harmless at all times from any and all claims for injury and damage to persons or property, both real and personal, caused by the installation, operation, or maintenance of its broadband system, notwithstanding any negligence on the part of the state, county, and/or municipality, their employees, or agents. Upon receipt of notice in writing from the state, county, and/or municipality, the broadband operator shall, at its own expense, defend any action or proceeding against the state, county

and/or municipality in which it is claimed that personal injury or property damage was caused by activities of the broadband operator in the installation, operation or maintenance of its broadband system.

(d) The use of public highways and other public places shall be subject to:

(1) All applicable state statutes, municipal ordinances and all applicable rules governing the construction, maintenance, and removal of overhead and underground facilities of public utilities;

(2) For county highways, all applicable rules adopted by the governing body of the county in which the county highways are situated;

(3) For state or federal-aid highways, all public welfare rules adopted by the Commissioner of the Division of Highways; and

(4) With respect to the use of any public highway that crosses the trackway of any railroad, nothing in this article shall be construed to provide for any greater or any lesser compliance with any safety policy or procedure established by the railroad with respect to the construction of utility crossings across the railroad's trackway that is applicable to any other similarly situated utility, whether utilizing aerial or buried lines.

(e) In the use of easements dedicated for compatible uses, the broadband operator shall ensure:

(1) That the safety, functioning, and appearance of the property and the convenience and safety of other persons is not adversely affected by the installation or construction of facilities necessary for a broadband system; and

(2) That the owner of the property is justly compensated by the broadband operator for any damages caused by the installation, construction, operation, or removal of facilities by the broadband operator.

(f) An ‘easement dedicated for compatible uses’ is a public or private easement for electric, gas, telephone, or other utility transmission

ARTICLE 4. MAKE-READY POLE ACCESS.

§31G-4-1. Definitions.

As used in this article, the following terms are defined as follows:

(1) ‘Applicable codes’ means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization, including, but not limited to, the National Electrical Safety Code, or any local amendments to those codes: *Provided*, That notwithstanding any other provisions of said applicable codes, the Code of West Virginia, or the West Virginia Code of State Rules, variances for the installation and maintenance of broadband service infrastructure on utility poles shall be permitted if these are agreed upon between infrastructure owners.

~~(1)~~ (2) ‘Attacher’ means any person, corporation, or other entity, or the agents or contractors of such seeking to permanently or temporarily fasten or affix any type of equipment, antenna, line, or facility of any kind to a utility pole in the right of way or its adjacent ground space.

~~(2)~~ (3) ‘Attachment Application’ means the application made by an Attacher to a Pole Owner for attachment of equipment, antenna, line or facility of any kind to a utility pole. It shall include:

(A) Proof of insurance; or

(B) An indemnification agreement prepared by the Pole Owner.

~~(3)~~ (4) ‘Make Ready Costs’ means the costs incurred by an Attacher associated with the transfer of the facilities, antenna, lines, or equipment of a Pre-Existing Third Party User, undertaken by an Attacher to enable attachment to the utility pole or similar structure. Make-Ready Costs that are to be paid by an Attacher

include, without limitation, all costs and expenses to relocate or alter the attachments or facilities of any Pre-Existing Third Party User as may be necessary to accommodate an Attacher's attachment.

(4) (5) 'Pole Owner' means a person, corporation or entity having ownership of a pole or similar structure in the right of way to which utilities, including without limitation, electric and communications facilities, are located or may be located whether such ownership is in fee simple or by franchise.

(5) (6) 'Pre-Existing Third Party User' means the owner of any currently operating facilities, antenna, lines or equipment on a pole or its adjacent ground space in the right of way.

§31G-4.2. Attachment to third party facilities.

(a) Upon approval of an Attachment Application, an Attacher may relocate or alter the attachments or facilities of any Pre-Existing Third Party User as may be necessary to accommodate an Attacher's attachment using Pole Owner approved contractors; provided, however, that an Attacher will not effectuate a relocation or alteration of a Pre-Existing Third Party User's facilities that causes or would reasonably be expected to cause a customer outage without first providing 45 days prior written notice to the Pre-Existing Third Party User, in order to permit the Pre-Existing Third Party User to relocate its facilities on its own.

(b) In the event the Pre-Existing Third Party Users of such other facilities fail to transfer or rearrange their facilities within ~~forty five~~ 45 days from receipt of notice of relocation or alteration of a Pre-Existing Third Party User's facilities that causes or would reasonably be expected to cause a customer outage, an Attacher may undertake such work.

(c) Within 30 days of the completion of any relocation or alteration, an Attacher shall send notice of the move and as-built reports to the Pre-Existing Third Party User and the owner of all poles or other structures on which such relocations or alterations

were made. The as-built reports shall include a unique field label identifier, and an address or coordinates.

(d) Upon receipt of the as-built reports, the Pre-Existing Third Party User and pole or structure owner(s) may conduct an inspection within 14 days at an Attacher's expense. An Attacher shall pay the actual, reasonable, and documented expenses incurred by the Pre-Existing Third Party User and pole or structure owner for the inspection. If any such relocation or alteration results in the facilities of the Pre-Existing Third Party User on the pole or other structure failing to conform with the applicable safety Pole Owner's standards, the Pre-Existing Third Party User shall, within seven days of the inspection, notify an Attacher of such failure to conform.

(e) In a notice, the Pre-Existing Third Party User may elect to either:

(1) Perform the correction itself and bill the Attacher for the actual, reasonable and documented costs of the correction, or

(2) Instruct the Attacher to correct such conditions at Attacher's expense. Any post-inspection corrections performed by the Attacher must be completed within 30 days of such notification.

(f) As a condition of exercising the ability to relocate, rearrange, or alter a Pre-Existing Third Party User's facilities pursuant to this section, an Attacher shall indemnify, defend and hold harmless the owner or owners of all poles or other structures on which such relocation, rearrangement or alteration takes place, the affiliates of such owner or owners, and the officers, directors and employees of such owner or owners and their affiliates, each being deemed an Indemnitee, from and against all third party damage, loss, claim, demand, suit, liability, penalty or forfeiture of every kind and nature, including, but not limited to, costs and expenses of defending against the same, payment of any settlement or judgment therefor and reasonable attorney's fees, that are actually and reasonably incurred by an Indemnitee, by reason of any claim by an affected Pre-Existing Third Party User or any

person or entity claiming through such Pre-Existing Third Party User arising from such relocation, rearrangement or alteration.

(g) All work performed must be in accordance with applicable codes, as defined in section one of this article, including, but not limited to, the National Electrical Safety Code ~~and other generally accepted safety codes~~: Provided, That the variances to applicable codes and to private agreements as set forth in §31G-6-1 of this code shall apply to this section.

(h) In the event an ILEC accepts payment for make-ready work, and fails to perform that work within 45 days, the ILEC which has been paid and which has failed to perform the work, shall immediately return and refund the moneys paid for that work which was not completed. Failure to return those funds within 14 calendar days shall be cause for a fine, payable to the Public Service Commission, equal to the amount of the payment and a cause of action in circuit court for return of the payment and is subject to treble damages, reasonable attorney's fees, and any applicable court costs. Good-cause and good-faith efforts to have performed the work shall be a defense against the imposition of any fine: Provided, That the provisions of this subsection shall not apply to any make-ready work where a pole replacement is necessary.

§31G-4.4. Public Service Commission jurisdiction; rulemaking; enforcement.

(a) The Public Service Commission shall possess and exercise regulatory jurisdiction over the provisions of this article. The commission shall administer and adjudicate disputes relating to the issues and procedures provided for under this article.

(b) The commission shall adopt the rates, terms, and conditions of access to and use of poles, ducts, conduits, and rights-of-way as provided in 47 U.S.C. § 224 and 47 C.F.R. § 1.1401 – 1.1415, inclusive, of the dispute resolution process incorporated by reference in those regulations and any subsequent modifications or additions to the provisions of the United States Code or Code of Federal Regulations provisions referenced herein.

(c) The commission shall certify to the Federal Communications Commission that this state, as evidenced by the enactment of this article, hereby exercises jurisdiction over the regulation of pole attachments. The certification shall include notice that the State of West Virginia hereby:

(1) Regulates the rates, terms, and conditions related to pole attachments; and

(2) In so regulating such rates, terms, and conditions, the state has the authority to consider and does consider the interests of the subscribers of the services offered via such attachments, as well as the interests of the consumers of the services.

(d) (1) Notwithstanding subsection (b), the commission shall promulgate rules to address abandoned cable, conductor, and related facilities attached to utility poles. The rules shall include provisions that:

(A) Provide for the pole owner to fully recover from the owner of the attachment the costs incurred by the pole owner for the removal and disposal of abandoned cable, conductors, and related facilities;

(B) Address situations where the pole owner is unable to receive full recovery of its removal and disposal costs from the owner of the attachment by instead receiving recovery of its net unrecovered costs from its jurisdictional customers, including other Attachers, in such manner as the commission determines is just and reasonable; and

(C) Allow the pole owner to book or defer these net costs on its accounting books and request recovery to the commission outside of a base rate case proceeding through a surcharge or other rate recovery mechanism.

(2) Any pole owner, after making reasonable efforts to require the attachment owner to remove abandoned facilities, that proceeds to remove what the pole owner reasonably believes is abandoned cable, conductor, and related facilities, shall be released and held harmless from liability from claims or any related losses claimed

by the Attacher or others for the pole owner's removal work, including any loss of property value, potential business value, salvage value, or any other value of such cable, conductor, and related facilities.

(e) Notwithstanding subsection (b), the commission shall promulgate rules to govern the timely transfer of facilities from an old pole to a new pole and the removal of utility poles that have had electric facilities moved to new poles but continue to have other facilities attached in the telecommunications space on the old existing poles. Should the attached facilities not be transferred in a timely manner from the old pole to the new pole by the owner of the attachments, as determined by the commission, the rules shall address this matter and include the right and mechanism of the pole owner itself to transfer the facilities to the new pole, to remove the old pole, and to recover its costs fully and timely from the owner of the facilities transferred. Any pole owner who transfers facilities from an old pole to a new pole, after reasonable due diligence, shall be released and held harmless from liability for its transfer work, except for acts of negligence or willful misconduct.

ARTICLE 6. PRE-EMPTION OF CONFLICTING LOCAL ORDINANCES AND PRIVATE RESTRICTIONS

§31G-6-1. Pre-emption in favor of broadband services; construction of language in agreements.

(a) Notwithstanding any other provision of the West Virginia Code or the West Virginia Code of State Rules to the contrary, any ordinance of any political subdivision relating to broadband service is hereby pre-empted to the extent necessary in favor of such broadband installation.

(b) No corporate policy, organizational policy, institutional policy, agreement, contract, or other like document, including the rules and regulations of any Home Owners Association, or any similar entity or organization, promulgated or made effective after the effective date of this section, may regulate or prevent the exterior installation of antennas and equipment necessary to or typically utilized for broadband deployment and the terms of any

such document shall be strictly construed in favor of encouraging and assisting broadband installation and deployment.

§31G-6-2. Pre-emption in favor of broadband service in pole attachments; construction of language in pole attachment agreements.

(a) Notwithstanding any other provision of the West Virginia Code or the West Virginia Code of State Rules to the contrary, any ordinance of any political subdivision regarding pole attachment spacing, positioning, or order by or between any Investor Owned Utility ('IOU') and any Incumbent Local Exchange Carrier ('ILEC') and/or Competitive Local Exchange Carrier ('CLEC') which would seek to provide broadband service, is hereby preempted to the extent necessary in favor of such broadband installation or deployment.

(b) Any corporate policy, individual agreement, organizational policy, contract, or like document relating to pole attachment spacing, positioning, or order by or between any Investor Owned Utility ('IOU') and any Incumbent Local Exchange Carrier ('ILEC') and/or Competitive Local Exchange Carrier ('CLEC') shall be strictly construed in favor of encouraging and assisting broadband installation and deployment."

And,

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

Com. Sub. for H. B. 2002 – “A Bill to repeal §17-2E-6 of the Code of West Virginia, 1931, as amended; to repeal §31G-1-6, §31G-1-9, and §31G-1-12 of said code; to amend and reenact §17-2E-3, §17-2E-5, §17-2E-7, §17-2E-8, and §17-2E-9 of said code; to amend and reenact §31G-1-4 of said code; to amend said code by adding thereto a new article, designated §31G-1A-1, §31G-1A-2, §31G-1A-3, §31G-1A-4, §31G-1A-5, and §31G-1A-6; to amend said code by adding thereto a new section, designated §31G-3-3 and §31G-3-4; to amend and reenact §31G-4-1, §31G-4-2, and §31G-4-4 of said code; and to amend said code by adding thereto a new article, designated §31G-6-1 and §31G-6-2, all relating to

broadband expansion policies; establishing requirements for agreements between the Division of Highways and an entity seeking to install telecommunications facilities; providing that if such installation can be accommodated as a utility pursuant to federal and state law, the division shall issue a permit for access to rights-of-way; providing for permit procedures and requirements; requiring notice to the Office of Broadband of a telecommunication entity's intent to seek construction in division rights-of-way; providing the Office of Broadband is responsible for ensuring compliance with certain terms of permit requirements; granting the division authority to determine whether its use of a telecommunication carrier's trench warrants apportionment of costs to it; modifying exceptions to dig once requirements; providing the division authority to allow carriers to use excess telecommunications facilities; allowing the division to transfer or assign ownership of excess telecommunications facilities to another state agency upon approval by Governor; providing rulemaking authority to the division; modifying the powers and duties of Broadband Enhancement Council; establishing the Office of Broadband within the Department of Economic Development; creating the position of the Director of the Office of Broadband; requiring the Office of Broadband report annually to the Joint Committee on Government and Finance; establishing the powers and duties of the Office of Broadband; requiring the Office of Broadband to coordinate with the Consumer Protection Division of the Attorney General's Office on specified consumer protection claims; requiring the Office of Broadband to map broadband in the state and establish an interactive public map; defining 'unserved area'; requiring certain executive agencies to cooperate and provide information to the Office of Broadband regarding AREA maps; allowing Office of Broadband to establish a voluntary data collection program; providing that information collected in program not subject to the Freedom of Information Act; providing procedures and requirements for a data collection program; protecting proprietary business information provided to the Office of Broadband and exempting such information from Freedom of Information Act requirements; providing rulemaking authority to the Office of Broadband; establishing requirements for counties, municipalities, and political subdivisions regarding installation of

conduit; authorizing a broadband operator to construct or operate a system over public rights-of-way and through easements which are within the area to be served and which have been dedicated for compatible uses; establishing requirements for broadband operators related to installation and construction; requiring broadband operators to indemnify the state for any claims for injury and damage to persons or property; establishing requirements for broadband operator related to the use of public highways and other public places; providing installations in railroad rights of way and trackways do not have any greater or lesser requirement to comply with stated railroad safety requirements; establishing requirements for broadband operator related easements; defining terms; requiring that an ILEC who accepts payment for make-ready work, and fails to perform that work within 45 days, to immediately return and refund the moneys paid for that work which was not completed, and providing remedies and exceptions in such instances; requiring the Public Service Commission to promulgate rules to address abandoned cable, conductor, and related facilities attached to utility poles and providing requirements for said rules; requiring the Public Service Commission to promulgate rules to govern the timely transfer of facilities from an old pole to a new pole and the removal of utility poles that have had electric facilities moved to new poles but continue to have other facilities attached in the telecommunications space on the old existing poles and providing requirements for said rules; providing for preemption of West Virginia Code, the Code of State Rules, and ordinances relating to installation of certain broadband equipment; providing private agreements, promulgated or effective after the effective date of this legislation, may not regulate or prevent the exterior installation of antennas and equipment necessary to or typically utilized for broadband deployment; providing for scheme of construction of such language in favor of encouraging and assisting broadband installation and deployment; providing for preemption of West Virginia Code, the Code of State Rules, and ordinances relating to pole attachment of certain broadband equipment; and providing for scheme of construction of language of private agreements relating to pole attachment.”

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. 630**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

Nays: McGeehan.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2002) passed.

Delegate Summers moved that the bill take effect May 27, 2021.

On this question, the yeas and nays were taken (**Roll No. 631**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: Bates and McGeehan.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2002) takes effect May 27, 2021.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2025, Provide liquor, wine, and beer licensees with some new concepts developed during the State of Emergency utilizing new technology to provide greater freedom to operate in a safe and responsible manner.

Delegate Steele moved that the House of Delegates concur in the following amendment of the bill by the Senate, with further amendment:

On page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

“CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3ss. County option election on forbidding nonintoxicating beer, wine, or alcoholic liquors to be sold, given, or dispensed after ~~10:00~~ 6:00 a.m. on Sundays.

~~Beginning July 1, 2019, the~~ The county commission of any county may conduct a county option election on the question of whether the sale or dispensing of nonintoxicating beer, wine, or alcoholic liquors in or on a licensed premises shall be allowed in the county beginning 1:00 p.m. on any Sunday, as provided in §11-16-18, ~~of this code,~~ §60-7-12, ~~of this code,~~ and §60-8-34 of this code, upon approval as provided in this section. The option election on this question may be placed on the ballot in each county at any primary or general election. The county commission of the county shall give notice to the public of the election by publication of the notice as a Class II-0 legal advertisement in compliance with the provisions of ~~§60-59-3~~ §59-3-1 et seq. of this code, and the publication area for publication shall be the county in which the election is to be held. The date of the last publication of the notice shall fall on a date within the period of the 14 consecutive days next preceding the election. On the local option election ballot shall be printed the following: ‘Shall the beginning hour at which nonintoxicating beer, wine, and alcoholic liquor be sold or dispensed for licensed on-premises ~~only~~ in _____ County on Sundays be changed from ~~10:00~~ 6:00 a.m. to 1:00 p.m.’

If approved by the voters this would forbid private clubs and restaurants licensed to sell and dispense nonintoxicating beer, wine, and alcoholic liquor; licensed private wine restaurants, private wine spas, and private wine bed and breakfasts to sell and dispense wine; and licensed Class A retail dealers to sell and dispense nonintoxicating beer for on-premises consumption until 1:00 p.m.

Yes No

(Place a cross mark in the square opposite your choice.)

The ballots shall be counted, returns made and canvassed as in general elections, and the results certified by the commissioners of election to the county commission. The county commission shall, without delay, certify the result of the election. Upon receipt of the results of the election, in the event a majority of the votes are marked 'Yes', all applicable licensees shall be forbidden to sell and dispense beer, wine, or alcoholic liquors until 1:00 p.m. on Sundays. In the event a majority of the votes are marked 'No', all applicable licensees will continue to be required to comply with existing law.

CHAPTER 11. TAXATION.

ARTICLE 16. NONINTOXICATING BEER.

§11-16-6d. Nonintoxicating beer or nonintoxicating craft beer delivery license for a licensed Class A retail dealer or a third party; requirements; limitations; third party license fee; retail transportation permit; and requirements.

(a) A Class A retail dealer who is licensed to sell nonintoxicating beer or nonintoxicating craft beer may apply for a nonintoxicating beer or nonintoxicating craft beer delivery license permitting the order, sale, and delivery of nonintoxicating beer or nonintoxicating craft beer in a sealed original container of bottles or cans, and sealed growlers, when separately licensed for growler sales. The order, sale, and delivery of nonintoxicating beer or nonintoxicating craft beer is permitted for off-premises consumption when completed by the licensee or the licensee's employees to a person purchasing the nonintoxicating beer or nonintoxicating craft beer by telephone, a mobile ordering application, or a web-based software program, as authorized by the licensee's license. There is no additional fee for licensed Class A retail dealers to obtain a nonintoxicating beer or nonintoxicating craft beer delivery license. The order, sale, and delivery process

shall meet the requirements of this section. The order, sale, and delivery process is subject to the penalties of this article.

(b) A third party, not licensed for nonintoxicating beer or nonintoxicating craft beer sales or distribution, may apply for a nonintoxicating beer or nonintoxicating craft beer delivery license for the privilege and convenience to offer ordering and delivery services of nonintoxicating beer or nonintoxicating craft beer in the sealed original container of bottles or cans, and sealed growlers, from a licensee with a growler license. The order, sale, and delivery of nonintoxicating beer or nonintoxicating craft beer is permitted for off-premises consumption when the Class A retail dealer sells to a person purchasing the nonintoxicating beer or nonintoxicating craft beer through telephone orders, a mobile ordering application, or a web-based software program. The annual nonintoxicating beer or nonintoxicating craft beer delivery license fee is \$200 per third party entity, with no limit on the number of drivers and vehicles. The delivery license fee under this subsection may not be prorated nor refunded.

(c) The nonintoxicating beer or nonintoxicating craft beer delivery license application shall comply with licensure requirements in §11-16-8 of this code, and shall require any information set forth in this article and as reasonably required by the commissioner.

(d) *Sale Requirements.* -

(1) The nonintoxicating beer or nonintoxicating craft beer purchase shall accompany the purchase of prepared food or a meal and the completion of the sale may be accomplished by the delivery of the prepared food or meal and nonintoxicating beer or nonintoxicating craft beer by the Class A retail dealer or third party licensee;

(2) Any person purchasing nonintoxicating beer or nonintoxicating craft beer shall be 21 years of age or older, shall not be visibly or noticeably intoxicated at the time of delivery, and shall meet the requirements set forth in this article for the sale of nonintoxicating beer or nonintoxicating craft beer;

(3) 'Prepared food or a meal' shall, for purposes of this article, mean food that has been cooked, grilled, fried, deep-fried, air-fried, smoked, boiled, broiled, twice baked, blanched, sautéed, or in any other manner freshly made and prepared, and does not include pre-packaged food from the manufacturer;

(4) An order, sale, or delivery consisting of multiple meals shall not amount to any combination of bottles, cans, or sealed growlers in excess of 384 fluid ounces of nonintoxicating beer or nonintoxicating craft beer; and

(5) A third party delivery licensee may not have a pecuniary interest in a Class A retail dealer, as set forth in this article, therefore a third party delivery licensee may only charge a convenience fee for the delivery of any nonintoxicating beer or nonintoxicating craft beer. The third party licensee may not collect a percentage of the delivery order for the delivery of alcohol, but may continue to collect a percentage of the delivery order directly related to the prepared food or a meal. The convenience fee charged by the third party delivery licensee to the person purchasing may not be greater than five dollars per delivery order where nonintoxicating beer or nonintoxicating craft beer are ordered by the purchasing person. For any third party licensee also licensed for wine growler delivery as set forth in §60-8-6c of the code, or craft cocktail growler delivery as set forth in §60-7-8f of the code, the total convenience fee of any order, sale, and delivery of a sealed growler, wine growler, or craft cocktail growler shall not exceed five dollars.

(e) *Delivery Requirements.* -

(1) Delivery persons employed for the delivery of nonintoxicating beer or nonintoxicating craft beer shall be 21 years of age or older. The licensed Class A retail dealer and the third party delivery licensee shall file each delivery person's name, driver's license, and vehicle information with the commissioner;

(2) A Class A retail dealer or third party delivery licensee shall train delivery persons on verifying legal identification and in

identifying the signs of intoxication and shall submit certification of the training to the commissioner;

(3) The Class A retail dealer or third party delivery licensee shall hold a retail transportation permit for each delivery vehicle delivering sealed nonintoxicating beer or nonintoxicating craft beer pursuant to §11-16-6d(g) of this code: *Provided*, That a delivery driver may retain an electronic copy of his or her permit;

(4) A Class A retail dealer or third party delivery licensee may only deliver prepared food or a meal, and sealed nonintoxicating beer or nonintoxicating craft beer orders in the county or contiguous counties where the Class A retail dealer is located;

(5) A Class A retail dealer or third party delivery licensee may only deliver prepared food or a meal, and sealed nonintoxicating beer or nonintoxicating craft beer to addresses located in West Virginia. A Class A retail dealer or third party delivery licensee shall pay and account for all sales and municipal taxes;

(6) A Class A retail dealer or third party delivery licensee may not deliver prepared food or a meal, and nonintoxicating beer or nonintoxicating craft beer to any other Class A licensee;

(7) A Class A retail dealer or third party delivery licensee may only deliver prepared food or a meal, and sealed nonintoxicating beer or nonintoxicating craft beer for personal use, and not for resale; and

(8) A Class A retail dealer or third party delivery licensee shall not deliver and leave prepared food or a meal, and sealed nonintoxicating beer or nonintoxicating craft beer at any address without verifying a person's age and identification as required by this section.

(f) *Telephone, mobile ordering application, or web-based software requirements.* -

(1) The delivery person may only permit the person who placed the order through a telephone, mobile ordering application, or web-based software to accept the prepared food or a meal, and

nonintoxicating beer or nonintoxicating craft beer delivery which is subject to age verification upon delivery with the delivery person's visual review and age verification and, as applicable, a stored scanned image of the purchasing person's legal identification;

(2) Any mobile ordering application or web-based software used shall create a stored record and image of the purchasing person's legal identification and details of the sale, accessible by the delivery person for verification, and shall include the delivery driver's name and vehicle information;

(3) Any telephone ordering system shall maintain a log or record of the purchasing person's legal identification and details of the sale, accessible by the delivery person for verification, and shall include the delivery driver's name and vehicle information;

(4) All records are subject to inspection by the commissioner. A Class A retail dealer or third party delivery licensee shall retain all records for three years, and may not unreasonably withhold the records from the commissioner's inspection; and

(5) Each vehicle delivering nonintoxicating beer or nonintoxicating craft beer must be issued a retail transportation permit per §11-16-6d(g) of this code.

(g) Retail Transportation Permit. -

(1) A Class A retail dealer or third party delivery licensee shall obtain and maintain a retail transportation permit for the delivery of prepared food and nonintoxicating beer or nonintoxicating craft beer.

(2) A Class A retail dealer or a third party licensee shall apply for a permit and provide vehicle and driver information, as required by the commissioner. Upon any change in vehicles or drivers, the Class A retail dealer or third party delivery licensee shall update the vehicle and driver information with the commissioner within 10 days of the change.

(h) Enforcement. -

(1) A Class A retail dealer or third party delivery licensee are responsible for any violations committed by their employees or independent contractors under this article, and more than one violation may be issued for a single violation involving multiple Class A retail dealers or licensees, employees, or independent contractors.

(2) A license or permit granted by this section is subject to the penalties of probation, monetary fines, suspension, and revocation, as set forth in this article, for violations committed by the Class A retail dealer or third party delivery licensee, its employees, or independent contractors.

(3) It is a violation for any licensee, its employees, or independent contractors to break the seal of a growler subject to the maximum penalties available in this article.

(4) For purposes of criminal enforcement of the provisions of this article, persons ordering, purchasing, or accepting delivery of orders are considered to be purchasers.

§11-16-6e. License required for sale and shipment of nonintoxicating beer or nonintoxicating craft beer by a brewer or resident brewer; shipment of limited quantities of nonintoxicating beer or nonintoxicating craft beer; requirements; license fee; and penalties.

(a) *Authorization.* - Notwithstanding the provisions of this article or any other law to the contrary, any person that is currently licensed and in good standing in its domicile state as a brewer, resident brewer, other nonintoxicating beer or nonintoxicating craft beer manufacturer, and who also obtains a nonintoxicating beer or nonintoxicating craft beer direct shipper's license from the commissioner, as provided in this article, may sell and ship nonintoxicating beer or nonintoxicating craft beer brewed by the brewer, resident brewer, other nonintoxicating beer or nonintoxicating craft beer manufacturer by mail to a purchasing person who is 21 years of age or older, for personal use, and not for resale. A nonintoxicating beer or nonintoxicating craft beer direct shipper may ship nonintoxicating beer or nonintoxicating

craft beer by mail to a purchasing person who is 21 years of age or older who purchases nonintoxicating beer or nonintoxicating craft beer, subject to the requirements of this article, in and throughout West Virginia. A nonintoxicating beer or nonintoxicating craft beer direct shipper may sell and ship nonintoxicating beer or nonintoxicating craft beer out of this state by mail to a purchasing person who is 21 years of age or older subject to the recipient state's or country's requirements, laws, and international laws.

(b) License requirements. – Before sending any shipment of nonintoxicating beer or nonintoxicating craft beer to a purchasing person who is 21 years of age or older, the nonintoxicating beer or nonintoxicating craft beer direct shipper must first:

(1) File a license application with the commissioner with the appropriate background check information, using forms required by the commissioner. Criminal background checks will not be required of applicants licensed in their state of domicile who can provide a certificate of good standing from their state of domicile;

(2) Pay to the commissioner the \$250 non-prorated and nonrefundable annual license fee to ship and sell only nonintoxicating beer or nonintoxicating craft beer;

(3) Obtain a business registration number from the Tax Commissioner;

(4) Register with the office of the Secretary of State;

(5) Provide the commissioner a true copy of its current active license issued in the state of domicile, proving that the nonintoxicating beer or nonintoxicating craft beer direct shipper is licensed in its state of domicile as a brewer, resident brewer, or other nonintoxicating beer or nonintoxicating craft beer manufacturer;

(6) Obtain from the commissioner a nonintoxicating beer or nonintoxicating craft beer direct shipper's license;

(7) Submit to the commissioner a list of all brands and labels of nonintoxicating beer or nonintoxicating craft beer to be shipped

to West Virginia and attest that all nonintoxicating beer or nonintoxicating craft beer brands and labels are manufactured by the brewer, resident brewer or other nonintoxicating beer or nonintoxicating craft beer manufacturer seeking licensure and are not counterfeit or adulterated nonintoxicating beer or nonintoxicating craft beer;

(8) Attest that the brewer, resident, brewer or other nonintoxicating beer or nonintoxicating craft beer manufacturer brews less than 25,000 barrels of beer per calendar year and provide documentary evidence along with the attestation.

(9) Meet all other licensing requirements of this chapter and provide any other information that the commissioner may reasonably require.

(c) *Shipping Requirements.* - All nonintoxicating beer or nonintoxicating craft beer direct shipper licensees shall:

(1) Not ship more than a maximum of two, 24 bottle or can, cases of nonintoxicating beer or nonintoxicating craft beer based on a 12-fluid ounce bottle or can, however no combination of bottles or cans may exceed a total for the two cases of 576 fluid ounces of nonintoxicating beer residing in West Virginia, for such person's personal use and consumption, and not for resale.

(2) Not ship to any licensed brewers, resident brewers, retailers, retail liquor outlets, any type of private club, private caterers, private wine restaurants, private wine spas, private wine bed and breakfasts, wine retailers, wine specialty shops, taverns, or other licensees licensed under this article or chapter 60 of this code;

(3) Ensure that all containers of nonintoxicating beer or nonintoxicating craft beer shipped directly to a purchasing person who is 21 years of age or older are clearly and conspicuously labeled with the words 'CONTAINS ALCOHOL: SIGNATURE OF PERSON 21 OR OLDER REQUIRED FOR DELIVERY';

(4) Not ship nonintoxicating beer or nonintoxicating craft beer that has not been registered with the commissioner, register and pay any registration fees, and prove by documentation that the

direct shipper has the rights from the manufacturer to ship the nonintoxicating beer or nonintoxicating craft beer;

(6) Not ship or deliver to:

(A) Any person under the age of 21;

(B) To an intoxicated person; or

(C) To a person physically incapacitated due to the consumption of nonintoxicating beer or nonintoxicating craft beer, wine, or liquor, or the use of drugs;

(7) Obtain a written or electronic signature upon delivery to a person who the nonintoxicating beer or nonintoxicating craft beer direct shipper's carrier verifies in-person is at least 21 years of age or older, and if the carrier is not able to verify the age of the person and obtain that person's signature, then the carrier may not complete the delivery of the nonintoxicating beer or nonintoxicating craft beer shipment;

(8) Utilize a licensed and bonded shipping carrier who has obtained a transportation permit as specified in §60-6-12 of the code;

(9) First deliver any nonintoxicating beer or nonintoxicating craft beer shipment being shipped in and throughout West Virginia to the nonintoxicating beer or nonintoxicating craft beer brand's nearest appointed distributor who has the nonintoxicating beer or nonintoxicating craft beer brand's franchise territory located in the purchasing person's county of residence in West Virginia: *Provided*, That, if no distributor has been appointed for the nonintoxicating beer or nonintoxicating craft beer brand, then the brewer of the brand shall appoint a franchise distributor in the franchise territory where the purchasing person of the nonintoxicating beer or nonintoxicating craft beer resides;

(10) Have the appointed distributor complete any nonintoxicating beer or nonintoxicating craft beer shipment order with an in-person pickup, at the location of appointed distributor's distributorship, to the purchasing person subject to age and identity

verification by the appointed distributor: *Provided*, That, the appointed distributor is not a retailer, and therefore cannot charge an additional fee for the in-person pickup for the nonintoxicating beer or nonintoxicating craft beer shipment as this would be considered a part of the service provided under the appointed distributor's franchise agreement.

(d) *Payment of Fees and Taxes.*

(1) Any nonintoxicating beer or nonintoxicating craft beer direct shipper licensee must meet the markup requirements for retail sales set forth in §47-11A-6 of the code.

(2) Further, the nonintoxicating beer or nonintoxicating craft beer direct shipper licensee shall collect and remit all beer barrel tax, state sales tax, and local sales tax on the sale of nonintoxicating beer or nonintoxicating craft beer to the Tax Commissioner at the close of each month and file a monthly return, on a form provided by the Tax Commissioner, reflecting the taxes paid for all sales and shipments to persons residing in West Virginia. No nonintoxicating beer or nonintoxicating craft beer direct shipper shall pay any beer barrel or sales tax more than once.

(3) File monthly returns to the commissioner showing the total of nonintoxicating beer or nonintoxicating craft beer, by type, brand, sold, and shipped into West Virginia for the preceding month;

(4) Permit the Tax Commissioner or commissioner or their designees to perform an audit of the nonintoxicating beer or nonintoxicating craft beer direct shipper's records upon request;

(5) The payment of fees to the commissioner and taxes to the Tax Commissioner may be in addition to fees and taxes levied by the nonintoxicating beer or nonintoxicating craft beer direct shipper's domicile state.

(6) No nonintoxicating beer or nonintoxicating craft beer direct shipper will be required to pay any fees to the commissioner or taxes to the Tax Commissioner more than once.

(e) Jurisdiction. - By obtaining a nonintoxicating beer or nonintoxicating craft beer direct shipper license the licensee shall be considered to have agreed and consented to the jurisdiction of the commissioner, which is Charleston, West Virginia and the Kanawha County circuit court, concerning enforcement of this chapter and any other related laws or rules.

(f) Records and reports. -

(1) Licensed nonintoxicating beer or nonintoxicating craft beer direct shippers must maintain accurate records of all shipments sent to West Virginia.

(2) Provide proof or records to the commissioner, upon request, that all direct shipments of liquor were purchased and delivered to a purchasing person who is 21 years of age or older.

(g) The nonintoxicating beer or nonintoxicating craft beer direct shipper may annually renew its license with the commissioner by application, paying the nonintoxicating beer or nonintoxicating craft beer direct shipper license fee and providing the commissioner with a true copy of a current brewer, resident brewer, or other nonintoxicating beer or nonintoxicating craft beer manufacturer's license from the nonintoxicating beer or nonintoxicating craft beer direct shipper's domicile state.

(h) The commissioner may promulgate rules to effectuate the purposes of this law.

(i) Penalties. -

(1) The commissioner may enforce the requirements of this chapter by administrative proceedings as set forth in §11-16-23 and §11-16-24 of this code to suspend or revoke a nonintoxicating beer or nonintoxicating craft beer direct shipper's license, and the commissioner may accept payment of a penalties as set forth in §11-16-23 and §11-16-24 of this code or an offer in compromise in lieu of suspension, at the commissioner's discretion. Hearings and appeals on such notices may be had in the same manner as in the case of revocations of licenses set forth in §11-16-23 and §11-16-24a of this code.

(2) If any licensee violates the provisions of this article, the commissioner may determine to suspend the privileges of the brewer, resident brewer, or other nonintoxicating beer or nonintoxicating craft beer manufacturer to sell, ship, or deliver nonintoxicating beer or nonintoxicating craft beer to a purchasing person who is 21 years of age or older or to the commissioner, or otherwise engage in the liquor business in this state for a period of one year from the date a notice is mailed to such person by the commissioner of the fact that such person has violated the provisions of this article. During such one-year period, it shall be unlawful for any person within this state to knowingly buy or receive nonintoxicating beer or nonintoxicating craft beer from such licensee or to have any dealings with such licensee with respect thereto.

(k) *Criminal Penalties.* – A shipment of nonintoxicating beer or nonintoxicating craft beer directly to citizens in West Virginia from persons who do not possess a valid nonintoxicating beer or nonintoxicating craft beer direct shipper’s license is prohibited. Any person who knowingly makes, participates in, transports, imports, or receives such an unlicensed and unauthorized direct shipment of nonintoxicating beer or nonintoxicating craft beer is guilty of a felony and, shall, upon conviction thereof, be fined in an amount not to exceed \$10,000 per violation. Without limitation on any punishment or remedy, criminal or civil, any person who knowingly makes, participates in, transports, imports, or receives such a direct shipment constitutes an act that is an unfair trade practice.

§11-16-6f. Nonintoxicating beer or nonintoxicating craft beer delivery license for a licensed Class B retail dealer or a third party; requirements; limitations; third party license fee; retail transportation permit; and requirements.

(a) A Class B retail dealer who is licensed to sell nonintoxicating beer or nonintoxicating craft beer may apply for a nonintoxicating beer or nonintoxicating craft beer delivery license permitting the order, sale, and delivery of nonintoxicating beer or nonintoxicating craft beer in a sealed original container of bottles or cans, and sealed growlers, when separately licensed for growler

sales. The order, sale, and delivery of nonintoxicating beer or nonintoxicating craft beer is permitted for off-premises consumption when completed by the licensee or the licensee's employees to a person purchasing the nonintoxicating beer or nonintoxicating craft beer by a telephone, a mobile ordering application, or web-based software program, as authorized by the licensee's license. There is no additional fee for licensed Class B retail dealers to obtain a nonintoxicating beer or nonintoxicating craft beer delivery license. The order, sale, and delivery process shall meet the requirements of this section. The order, sale, and delivery process is subject to the penalties of this article.

(b) A third party, not licensed for nonintoxicating beer or nonintoxicating craft beer sales or distribution, may apply for a nonintoxicating beer or nonintoxicating craft beer delivery license for the privilege and convenience to offer ordering and delivery services of nonintoxicating beer or nonintoxicating craft beer in the sealed original container of bottles or cans, and sealed growlers, from a licensee with a growler license. The order, sale, and delivery of nonintoxicating beer or nonintoxicating craft beer is permitted for off-premises consumption when the Class B retail dealer sells to a person purchasing the nonintoxicating beer or nonintoxicating craft beer through a telephone order, a mobile ordering application, or web-based software program. The nonintoxicating beer or nonintoxicating craft beer delivery annual license fee is \$200 per third party licensee, with no limit on the number of drivers and vehicles. The delivery license fee under this subsection may not be prorated nor refunded.

(c) The nonintoxicating beer or nonintoxicating craft beer delivery license application shall comply with licensure requirements in §11-16-8 of this code and shall require any information set forth in this article and as reasonably required by the commissioner.

(d) *Sale Requirements.* -

(1) The nonintoxicating beer or nonintoxicating craft beer purchase shall accompany the purchase of food and the completion of the sale may be accomplished by the delivery of food and

nonintoxicating beer or nonintoxicating craft beer by the licensee or third party licensee;

(2) Any person purchasing nonintoxicating beer or nonintoxicating craft beer shall be 21 years of age or older, shall not be visibly or noticeably intoxicated at the time of delivery, and meet the requirements set forth in this article for the sale of nonintoxicating beer or nonintoxicating craft beer;

(3) Food, for purposes of this section, means food that has been cooked, microwaved, or that is pre-packaged food from the manufacturer;

(4) An order, sale, or delivery consisting of food and any combination of sealed nonintoxicating beer or nonintoxicating craft beer bottles, cans, or growlers shall not be in excess of 384 fluid ounces of nonintoxicating beer or nonintoxicating craft beer; and

(5) A third party delivery licensee shall not have a pecuniary interest in a Class B retail dealer, as set forth in this article. A third party delivery licensee may only charge a convenience fee for the delivery of any nonintoxicating beer or nonintoxicating craft beer. The third party licensee may not collect a percentage of the delivery order for the delivery of nonintoxicating beer or nonintoxicating craft beer, but may continue to collect a percentage of the delivery order directly related to food. The convenience fee charged by the third party delivery licensee to the purchasing person may not be greater than five dollars per delivery order. For any third party licensee also licensed for wine delivery as set forth in §60-8-6f of this code the total convenience fee for any order, sale, and delivery of sealed wine may not exceed five dollars.

(e) *Delivery Requirements.* -

(1) Delivery persons employed for the delivery of nonintoxicating beer or nonintoxicating craft beer shall be 21 years of age or older. A Class B retail dealer and a third party licensee shall file each delivery person's name, driver's license, and vehicle information with the commissioner;

(2) A Class B retail dealer and a third party licensee shall train delivery persons on verifying legal identification and in identifying the signs of intoxication and submit the certification of the training to the commissioner;

(3) The Class B retail dealer or third party delivery licensee shall hold a retail transportation permit for each delivery vehicle delivering sealed nonintoxicating beer or nonintoxicating craft beer pursuant to §11-16-6f(g) of this code: *Provided*, That a delivery driver may retain an electronic copy of his or her permit as proof of the licensure;

(4) A Class B retail dealer and a third party licensee may deliver food and sealed nonintoxicating beer or nonintoxicating craft beer orders in the county where the Class B retail dealer is located;

(5) A Class B retail dealer and a third party licensee may only deliver food and sealed nonintoxicating beer or nonintoxicating craft beer to addresses located in West Virginia. A Class B retail dealer and a third party licensee shall pay and account for all sales and municipal taxes;

(6) A Class B retail dealer and a third party licensee may not deliver food and nonintoxicating beer or nonintoxicating craft beer to any other Class B licensee;

(7) Deliveries of food and sealed nonintoxicating beer or nonintoxicating craft beer are only for personal use, and not for resale; and

(8) A Class B retail dealer and a third party licensee shall not deliver and leave food and sealed nonintoxicating beer or nonintoxicating craft beer at any address without verifying a person's age and identification as required by this section.

(f) *Telephone, mobile ordering application, or web-based software requirements.* -

(1) The delivery person may only permit the person who placed the order through a telephone, mobile ordering application, or web-

based software to accept the food and nonintoxicating beer or nonintoxicating craft beer delivery. The delivery is subject to age verification upon delivery with the delivery person's visual review and age verification and, as applicable, requires a stored scanned image of the purchasing person's legal identification;

(2) Any mobile ordering application or web-based software used must create a stored record and image of the purchasing person's legal identification and details of the sale, accessible by the delivery person for verification, and shall include the delivery driver's name and vehicle information;

(3) Any telephone ordering system shall maintain a log or record of the purchasing person's legal identification and details of the sale, accessible by the delivery person for verification, and shall include the delivery driver's name and vehicle information;

(4) All records are subject to inspection by the commissioner. A Class B retail dealer and a third party licensee shall retain all records for three years, and may not unreasonably withhold the records from the commissioner's inspection; and

(5) Each vehicle delivering nonintoxicating beer or nonintoxicating craft beer shall be issued a retail transportation permit in accordance with §11-16-6f(g) of this code.

(g) Retail Transportation Permit. -

(1) A Class B retail dealer and a third party licensee shall obtain and maintain a retail transportation permit for the delivery of food and nonintoxicating beer or nonintoxicating craft beer.

(2) A Class B retail dealer or a third party licensee shall apply for a permit and provide vehicle and driver information, required by the commissioner. Upon any change in vehicles or drivers, Class B retail dealer and a third party licensee shall update the vehicle and driver information with the commissioner within 10 days of the change.

(h) Enforcement. -

(1) The Class B retail dealer and a third party licensee are responsible for any violations committed by their employees or independent contractors under this article, and more than one violation may be issued for a single violation involving multiple Class B retail dealers or third party licensees, employees, or independent contractors.

(2) A license or permit granted by this section is subject to the penalties of probation, monetary fines, suspension, and revocation, as set forth in this article, for violations committed by the Class B retail dealer or third party licensee, their employees, or independent contractors.

(3) It is a violation for any Class B retail dealer or third party licensee, their employees, or independent contractors to break the seal of a growler subject to the maximum penalties available in this article.

(4) For purposes of criminal enforcement of the provisions of this article, persons ordering, purchasing, or accepting delivery of orders are considered to be purchasers.

§11-16-9. Amount of license tax; Class A and Class B retail dealers; purchase and sale of nonintoxicating beer permitted; distributors; brewers; brewpubs.

(a) All retail dealers, distributors, brewpubs, brewers, and resident brewers of nonintoxicating beer and of nonintoxicating craft beer shall pay an annual fee to maintain an active license as required by this article. The license period begins on July 1 of each year and ends on June 30 of the following year. If the license is granted for a shorter period, then the license fee shall be computed semiannually in proportion to the remainder of the fiscal year: *Provided*, That if a licensee fails to complete a renewal application and make payment of its annual license fee in renewing its license on or before June 30 of any subsequent year, ~~after initial application~~, then an additional \$150 reactivation fee shall be charged and paid by the licensee; the fee may not be prorated or refunded, prior to the processing of any renewal application and applicable full year annual license fee; and furthermore a licensee

who continues to operate ~~upon~~ after the expiration of its license is subject to all fines, penalties, and sanctions available in §11-16-23 of this code, all as determined by the commissioner.

(b) The annual license fees are as follows:

(1) Retail dealers shall be divided into two classes: Class A and Class B.

(A) For a Class A retail dealer, the license fee is \$150 for each place of business; the license fee for social, fraternal, or private clubs not operating for profit, and ~~having~~ which have been in continuous operation for two years or more immediately preceding the date of application, is \$150: *Provided*, That railroads operating in this state may dispense nonintoxicating beer upon payment of an annual license tax of \$10 for each dining, club, or buffet car in which the beer is dispensed.

Class A licenses issued for railroad dining, club, or buffet cars authorize the licensee to sell nonintoxicating beer at retail for consumption only on the licensed premises where sold. All other Class A ~~licenses authorize the licensee to~~ licensees may sell nonintoxicating beer or nonintoxicating craft beer at retail, as licensed, for consumption on the licensed premises or off the licensed premises. Class A licensees may sell nonintoxicating beer or nonintoxicating craft beer for consumption off the licensed premises when it is in a sealed original container and sold for personal use, and not for resale. Class A licensees shall provide prepared food or meals along with sealed nonintoxicating beer or nonintoxicating craft beer in the original container or in a sealed growler as set forth for sales and service in §11-16-6d of this code, to a purchasing person who is in-person or in-vehicle picking up prepared food or a meal, and sealed nonintoxicating beer or nonintoxicating craft beer orders-to-go, subject to verification that the purchasing person is 21 years of age or older, and not visibly or noticeably intoxicated, and as otherwise specified in this article.

(B) For a Class B retail dealer, the license fee, authorizing the sale of both chilled and unchilled beer, is \$150 for each place of business. A Class B license authorizes the licensee to sell

nonintoxicating beer at retail in bottles, cans, or other sealed containers only, and only for consumption off the licensed premises. A Class B retailer may sell to a patron-purchasing person, for personal use, and not for resale, quantities of draught beer in original containers that are no larger in size than one-half barrel for off-premises consumption.

The Commissioner may only issue a A Class B license ~~may be issued only~~ to the proprietor or owner of a grocery store. For the purpose of this article, the term “grocery store” means any retail establishment commonly known as a grocery store or delicatessen, and caterer or party supply store, where food or food products are sold for consumption off the premises, and includes a separate and segregated portion of any other retail store which is dedicated solely to the sale of food, food products, and supplies for the table for consumption off the premises. Caterers or party supply stores ~~are required to~~ shall purchase the appropriate licenses from the Alcohol Beverage Control Administration.

(C) A Class A retail dealer may contract, purchase, or develop a mobile ordering application or web-based software program to permit the ordering and purchase of nonintoxicating beer or nonintoxicating craft beer, as authorized by the licensee’s license. The nonintoxicating beer or nonintoxicating craft beer shall be in a sealed original container or a sealed growler and meet the requirements of §11-16-6d of this code.

(2) For a distributor, the license fee is \$1,000 for each place of business.

(3) For a brewer or a resident brewer with its principal place of business or manufacture located in this state and who produces:

(A) Twelve thousand five hundred barrels or less of nonintoxicating beer or nonintoxicating craft beer, the license fee is \$500 for each place of manufacture;

(B) Twelve thousand five hundred one barrels and up to 25,000 barrels of nonintoxicating beer or nonintoxicating craft beer, the license fee is \$1,000 for each place of manufacture;

(C) More than 25,001 barrels of nonintoxicating beer or nonintoxicating craft beer, the license fee is \$1,500 for each place of manufacture.

(4) For a brewer whose principal place of business or manufacture is not located in this state, the license fee is \$1,500. The brewer is exempt from the requirements set out in subsections (c), (d), and (e) of this section: *Provided*, That a brewer whose principal place of business or manufacture is not located in this state that produces less than 25,000 barrels of nonintoxicating beer or nonintoxicating craft beer may choose to apply, in writing, to the commissioner to be subject to the variable license fees of subdivision (3), subsection (b) of this section and the requirements set out in subsections (c), (d), and (e) of this section subject to investigation and approval by the commissioner as to brewer requirements.

(5) For a brewpub, the license fee is \$500 for each place of manufacture.

(c) As part of the application or renewal application and in order to determine a brewer or resident brewer's license fee pursuant to this section, a brewer or resident brewer shall provide the commissioner, on a form provided by the commissioner, with an estimate of the number of nonintoxicating beer or nonintoxicating craft beer barrels and gallons it ~~will~~ may produce during the year based upon the production capacity of the brewer's or resident brewer's manufacturing facilities and the prior year's production and sales volume of nonintoxicating beer or nonintoxicating craft beer.

(d) On or before July 15 of each year, every brewer, or resident brewer who is granted a license shall file a final report, on a form provided by the commissioner, that is dated as of June 30 of ~~each~~ that year, stating the actual volume of nonintoxicating beer or nonintoxicating craft beer in barrels and gallons produced at its principal place of business and manufacture during the prior year.

(e) If the actual total production of nonintoxicating beer or nonintoxicating craft beer by the brewer or resident brewer

exceeded the brewer's or resident brewer's estimate that was filed with the application or renewal application for a brewer's or resident brewer's license for that period, then the brewer or resident brewer shall include a remittance for the balance of the license fee pursuant to this section that would be required for the final, higher level of production.

(f) Any brewer or resident brewer failing to file the reports required in subsections (c) and (d) of this section, and who is not exempt from the reporting requirements, shall, at the discretion of the commissioner, be subject to the penalties set forth in §11-16-23 of this code.

(g) Notwithstanding subsections (a) and (b) of this section, the license fee per event for a nonintoxicating beer floor plan extension is ~~\$50~~ \$100, and the fee may not be prorated or refunded., ~~and must be accompanied with a license~~ A licensee shall submit an application, certification that the event meets certain requirements in the this code and rules, and such any other information as required by the commissioner may reasonably require, at least 15 days prior to the event, all as determined by the commissioner.

(h) Notwithstanding subsections (a) and (b) of this section, a Class A retail dealer, in good standing with the commissioner, may apply, on a form provided by the commissioner, to sell, serve, and furnish nonintoxicating beer or nonintoxicating craft beer for on-premises consumption in an outdoor dining area or outdoor street dining area, as authorized by any municipal government or county commission in the which the licensee operates. The Class A retail dealer shall submit to the municipal government or county commission, for approval, a revised floorplan and a request to sell and serve nonintoxicating beer or nonintoxicating craft beer, subject to the commissioner's requirements, in an approved outdoor area. For private outdoor street dining, or private outdoor dining, the approved and bounded outdoor area need not be adjacent to the licensee's licensed premises, but in close proximity and under the licensee's control with right of ingress and egress. For purposes of this section, "close proximity" means an available area within 150 feet of the Class A retail dealer's licensed premises. A Class A retail dealer may operate a nonintoxicating beer or

nonintoxicating craft beer outdoor dining or outdoor street dining in conjunction with a temporary private outdoor dining or temporary private outdoor street dining area set forth in §60-7-8d of this code and temporary private wine outdoor dining or temporary private wine outdoor street dining set forth in §60-8-32a of this code.

(i) For purposes of this article, “nonintoxicating beer or nonintoxicating craft beer outdoor dining and nonintoxicating beer or nonintoxicating craft beer outdoor street dining” includes dining areas that are:

(1) Outside and not served by an HVAC system for air handling services and use outside air;

(2) Open to the air; and

(3) Not enclosed by fixed or temporary walls; however, the commissioner may seasonally approve a partial enclosure with up to three temporary or fixed walls.

Any area where seating is incorporated inside a permanent building with ambient air through HVAC is not considered outdoor dining pursuant to this subsection.

§11-16-11c. Unlicensed brewer or unlicensed home brewer temporary license; fees; requirements.

(a) An unlicensed brewer or home brewer may obtain a temporary special license, upon meeting the requirements set forth in this section, to offer its nonintoxicating beer or nonintoxicating craft beer for sampling and sales at a fair and festival licensed under §11-16-11 and §11-16-11b of this code, when granted approval by the fair and festival licensee. The unlicensed brewer or home brewer is exempt from the requirements of registering the brand and using a distributor and a franchise agreement due to the limited nature of this temporary license.

(b) An unlicensed brewer or home brewer is subject to the limits, taxes, fees, requirements, restrictions, and penalties set forth in this article: *Provided*, That the commissioner may, by rule or

order, provide for certain waivers or exceptions with respect to the provisions, laws, rules, or orders as required by the circumstances of each festival or fair. The commissioner may revoke or suspend any license issued pursuant to this section prior to any notice or hearing, notwithstanding the provisions §11-16-23 and §11-16-24 of this code: *Provided, however,* That under no circumstances shall the provisions of §11-16-8(a)(1), §11-16-8(a)(2), and §11-16-8(a)(3) of this code, be waived nor shall any exception be granted with respect to those provisions.

(c) A brewer or home brewer, regardless of its designation in its domicile state, that is duly licensed and in good standing in its domicile state, but unlicensed in this state, or an unlicensed brewer or home brewer that is a resident of West Virginia, shall pay a \$150 nonrefundable and non-prorated fee and submit an application for a temporary license on a one-day basis. The temporary special license allows the unlicensed brewer or home brewer to sell nonintoxicating beer or nonintoxicating craft beer to a licensed fair or festival for the sampling and sale of the nonintoxicating beer or nonintoxicating craft beer for on-premises consumption at the licensed fair or festival. The brewer or home brewer shall pay all taxes due and the appropriate markup on the nonintoxicating beer or nonintoxicating craft beer.

(2) The unlicensed brewer or home brewer temporary license application shall include, but is not limited to, the person or entity's name, address, taxpayer identification number, and location; if the unlicensed brewer or home brewer is from out of state, a copy of its licensure in its domicile state; a signed and notarized verification that it produces 25,000 barrels or less of nonintoxicating beer or nonintoxicating craft beer per year; a signed and notarized verification that it is in good standing with its domicile state; copies of its federal certificate of label approvals and a certified lab alcohol analysis for the nonintoxicating beer or nonintoxicating craft beer it plans to sell to a fair or festival licensed under §11-16-11 and §11-16-11b of this code; and any other information required by the commissioner.

(3) The applicant shall include in its application a list of all nonintoxicating beers or nonintoxicating craft beers it proposes to

provide, in sealed containers, to a licensed fair or festival for sampling or sale so that the commissioner may review them in the interest of public health and safety. Once approved, the submitted nonintoxicating beer or nonintoxicating craft beer list creates a temporary nonintoxicating beer or nonintoxicating craft beer brand registration for up to two days at any event licensed under §11-16-11 and §11-16-11b of this code, for no additional fee.

(4) An applicant that receives this temporary license for any event licensed under §11-16-11 and §11-16-11b of this code shall provide a signed and notarized agreement acknowledging that it is the applicant's duty to pay all municipal, local, and sales taxes applicable to the sale of nonintoxicating beer or nonintoxicating craft beer in West Virginia.

(5) The unlicensed brewer or home brewer shall submit an application for each temporary special license sought for an event licensed under §11-16-11 and §11-16-11b of this code, at which the applicant proposes to provide nonintoxicating beer or nonintoxicating craft beer for sampling or sale. The license fee covers up to two separate one-day licenses for the event before an additional fee is required. Any applicant desiring to attend more than four events per year or otherwise operate in West Virginia shall seek appropriate licensure as a brewery or resident brewery in this state.

(6) Notwithstanding the provisions of this article and requirements for licensure, brand registration, franchise requirements, payment of beer barrel tax, and the appointment of a distributor franchise network, this temporary special license for an event licensed under §11-16-11 and §11-16-11b of this code, once granted, permits the licensee to operate in this limited capacity only at the approved specific, events licensed under §11-16-11 and §11-16-11b of this code, subject to the limitations noted in this section.

(7) The applicant shall also apply for and receive a nonintoxicating beer or nonintoxicating craft beer transportation permit in order to legally transport nonintoxicating beer or nonintoxicating craft beer in the state as required by §11-16-10(f) of this code: *Provided*, That the commissioner may not charge or

collect an additional fee for a nonintoxicating beer or nonintoxicating craft beer transportation permit to an applicant seeking a temporary special license under this section.

(8) The licensee is subject to all applicable violations and/or penalties under this article and related legislative rules that are not otherwise excepted by this section: *Provided*, That the commissioner may by rule or order provide for certain waivers or exceptions with respect to the provisions of this code, rules, or orders required by the circumstances of each festival or fair. The commissioner may revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding the provisions of §11-16-23 and §11-16-24 of this code: *Provided, however*, That under no circumstances shall the provisions of §11-16-8(a)(1), §11-16-8(a)(2), and §11-16-8(a)(3) of this code, be waived nor shall any exception be granted with respect to those provisions.

§11-16-18. Unlawful acts of licensees; criminal penalties.

(a) It is unlawful:

(1) Except as provided for in §7-1-3ss and this chapter of this code, for any licensee, his, her, its, or their servants, agents, or employees to sell, give, or dispense, or any individual to drink or consume, in or on any licensed premises or in any rooms directly connected thereto, nonintoxicating beer or cooler on weekdays between the hours of 2:00 a.m. and 7:00 6:00 a.m., or between the hours of 2:00 a.m. and 10:00 a.m.; or a Class A retail dealer to sell nonintoxicating beer for on-premises consumption only between the hours of 2:00 a.m. and 1:00 p.m. 6:00 a.m.; in any county upon approval as provided for in §7-1-3ss of this code, on any Sunday, except in private clubs licensed under the provisions of §60-7-1 et seq. of this code, where the hours shall conform with the hours of sale of alcoholic liquors;

(2) For any licensee, his, her, its, or their servants, agents, or employees to sell, furnish, or give any nonintoxicating beer, as defined in this article, to any person visibly or noticeably

intoxicated or to any person known to be insane or known to be a habitual drunkard;

(3) For any licensee, his, her, its, or their servants, agents, or employees to sell, furnish, or give any nonintoxicating beer as defined in this article to any person who is less than 21 years of age;

(4) For any distributor to sell or offer to sell, or any retailer to purchase or receive, any nonintoxicating beer as defined in this article, except for cash and a right of action shall not exist to collect any claims for credit extended contrary to the provisions of this subdivision. Nothing ~~herein~~ contained in this section prohibits a licensee from crediting to a purchasing person the actual price charged for packages or containers returned by the original purchasing person as a credit on any sale, or from refunding to any purchasing person the amount paid or deposited for the containers when title is retained by the vendor: *Provided*, That a distributor may accept an electronic transfer of funds if the transfer of funds is initiated by an irrevocable payment order on the invoiced amount for the nonintoxicating beer. The cost of the electronic fund transfer shall be borne by the retailer and the distributor shall initiate the transfer no later than noon of one business day after the delivery;

(5) For any brewer or distributor to give, furnish, rent, or sell any equipment, fixtures, signs, supplies, or services directly or indirectly or through a subsidiary or affiliate to any licensee engaged in selling products of the brewing industry at retail or to offer any prize, premium, gift, or other similar inducement, except advertising matter, including indoor electronic or mechanical signs, of nominal value up to \$25.00 per stock keeping unit, to either trade or consumer buyers: *Provided*, That a distributor may offer, for sale or rent, tanks of carbonic gas: *Provided, however*, That, in the interest of public health and safety, a distributor may, independently or through a subsidiary or affiliate, furnish, sell, install, or maintain draught line equipment, supplies, and cleaning services to a licensed retailer so long as the furnishing or sale of draught line services may be negotiated at no less than ~~direct~~ actual cost: *Provided further*, That a distributor may furnish, rent, or sell

equipment, fixtures, signs, services, or supplies directly or indirectly or through a subsidiary or affiliate to any licensee engaged in selling products of the brewing industry at retail under the conditions and within the limitations as prescribed ~~herein~~ in this section. Nothing contained in this section prohibits a brewer from sponsoring any professional or amateur athletic event or from providing prizes or awards for participants and winners in any events.

(6) For any brewer or distributor to sponsor any professional or amateur athletic event or provide prizes or awards for participants and winners when a majority of the athletes participating in the event are minors, unless the event is specifically authorized by the commissioner;

(7) For any retail licensee to sell or dispense nonintoxicating beer through draught lines where the draught lines have not been cleaned at least every two weeks in accordance with rules promulgated by the commissioner, and where written records of all cleanings are not maintained and available for inspection;

(8) For any licensee to permit in his or her premises any lewd, immoral, or improper entertainment, conduct, or practice;

(9) For any licensee, except the holder of a license to operate a private club issued under the provisions of §60-7-1 *et seq.* of this code or a holder of a license or a private wine restaurant issued under the provisions of §60-8-1 *et seq.* of this code to possess a federal license, tax receipt, or other permit entitling, authorizing, or allowing the licensee to sell liquor or alcoholic drinks other than nonintoxicating beer;

(10) For any licensee to obstruct the view of the interior of his or her premises by enclosure, lattice, drapes, or any means which would prevent plain view of the patrons occupying the premises. The interior of all licensed premises shall be adequately lighted at all times: *Provided*, That provisions of this subdivision do not apply to the premises of a Class B retailer, the premises of a private club licensed under the provisions of §60-7-1 *et seq.* of this code,

or the premises of a private wine restaurant licensed under the provisions of §60-8-1 *et seq.* of this code;

(11) For any licensee to manufacture, import, sell, trade, barter, possess, or acquiesce in the sale, possession, or consumption of any alcoholic liquors on the premises covered by a license or on premises directly or indirectly used in connection with it: *Provided*, That the prohibition contained in this subdivision with respect to the selling or possessing or to the acquiescence in the sale, possession, or consumption of alcoholic liquors is not applicable with respect to the holder of a license to operate a private club issued under the provisions of §60-7-1 *et seq.* of this code, nor shall the prohibition be applicable to a private wine restaurant licensed under the provisions of §60-8-1 *et seq.* of this code insofar as the private wine restaurant is authorized to serve wine;

(12) For any retail licensee to sell or dispense nonintoxicating beer, as defined in this article, purchased or acquired from any source other than a distributor, brewer, or manufacturer licensed under the laws of this state;

(13) For any licensee to permit loud, boisterous, or disorderly conduct of any kind upon his or her premises or to permit the use of loud musical instruments if either or any of the same may disturb the peace and quietude of the community where the business is located: *Provided*, That a licensee may have speaker systems for outside broadcasting as long as the noise levels do not create a public nuisance or violate local noise ordinances;

(14) For any person whose license has been revoked, as provided in this article, to obtain employment with any retailer within the period of one year from the date of the revocation, or for any retailer to knowingly employ that person within the specified time;

(15) For any distributor to sell, possess for sale, transport, or distribute nonintoxicating beer except in the original container;

(16) For any licensee to knowingly permit any act to be done upon the licensed premises, the commission of which constitutes a crime under the laws of this state;

(17) For any Class B retailer to permit the consumption of nonintoxicating beer upon his or her licensed premises;

(18) For any Class A licensee, his, her, its, or their servants, agents, or employees, or for any licensee by or through any servants, agents, or employees, to allow, suffer, or permit any person less than 18 years of age to loiter in or upon any licensed premises; except, however, that the provisions of this subdivision do not apply where a person under the age of 18 years is in or upon the premises in the immediate company of ~~his or her parent or parents~~ a parent or legal guardian, or where and while a person under the age of 18 years is in or upon the premises for the purpose of and actually making a lawful purchase of any items or commodities sold, or for the purchase of and actually receiving any lawful service rendered in the licensed premises, including the consumption of any item of food, drink, or soft drink lawfully prepared and served or sold for consumption on the premises;

(19) For any distributor to sell, offer for sale, distribute, or deliver any nonintoxicating beer outside the territory assigned to any distributor by the brewer or manufacturer of nonintoxicating beer or to sell, offer for sale, distribute, or deliver nonintoxicating beer to any retailer whose principal place of business or licensed premises is within the assigned territory of another distributor of the nonintoxicating beer: *Provided*, That nothing in this section is considered to prohibit sales of convenience between distributors licensed in this state where one distributor sells, transfers, or delivers to another distributor a particular brand or brands for sale at wholesale; and

(20) For any licensee or any agent, servant, or employee of any licensee to knowingly violate any rule lawfully promulgated by the commissioner in accordance with the provisions of chapter 29A of this code.

(b) Any person who violates any provision of this article, including, but not limited to, any provision of this section, or any rule, or order lawfully promulgated by the commissioner, or who makes any false statement concerning any material fact in submitting an application for a license or for a renewal of a license or in any hearing concerning the revocation of a license, or who commits any of the acts in this section declared to be unlawful is guilty of a misdemeanor and, upon conviction thereof, shall be punished for each offense by a fine of not less than \$25, nor more than \$500, or confined in the county or regional jail for not less than 30 days nor more than six months, or by both fine and confinement. Magistrates have concurrent jurisdiction with the circuit court and any other courts having criminal jurisdiction in their county for the trial of all misdemeanors arising under this article.

(c) (1) A Class B licensee that:

(A) Has installed a transaction scan device on its licensed premises; and

(B) Can demonstrate that it requires each employee, servant, or agent to verify the age of any individual to whom nonintoxicating beer or nonintoxicating craft beer is sold, furnished, or given away by the use of the transaction device ~~may not be~~ is not subject to: (i) Any criminal penalties whatsoever, including those set forth in subsection (b) of this section; (ii) any administrative penalties from the commissioner; or (iii) any civil liability whatsoever for the improper sale, furnishing, or giving away of nonintoxicating beer or nonintoxicating craft beer to an individual who is less than 21 years of age by one of his or her employees, servants, or agents. Any agent, servant, or employee who has improperly sold, furnished, or given away nonintoxicating beer to an individual less than 21 years of age is subject to the criminal penalties of subsection (b) of this section. Any agent, servant, or employee who has improperly sold, furnished, or given away nonintoxicating beer to an individual less than 21 years of age is subject to termination from employment, and the employer shall have no civil liability for the termination.

(2) For purposes of this section, a Class B licensee can demonstrate that it requires each employee, servant, or agent to verify the age of any individual to whom nonintoxicating beer is sold by providing evidence: (A) That it has developed a written policy which requires each employee, servant, or agent to verify the age of each individual to whom nonintoxicating beer will be sold, furnished, or given away; (B) that it has communicated this policy to each employee, servant, or agent; and (C) that it monitors the actions of its employees, servants, or agents regarding the sale, furnishing, or giving away of nonintoxicating beer and that it has taken corrective action for any discovered noncompliance with this policy.

(3) ‘Transaction scan’ means the process by which a person checks, by means of a transaction scan device, the age and identity of the cardholder, and ‘transaction scan device’ means any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information enclosed on the magnetic strip or bar code of a driver’s license or other governmental identity card.

(d) Nothing in this article nor any rule of the commissioner shall prevent or be considered to prohibit any licensee from employing any person who is at least 18 years of age to serve in the licensee’s lawful employ, including the sale or ~~delivery~~ distribution of nonintoxicating beer as defined in this article. With the prior approval of the commissioner, a licensee whose principal business is the sale of food or consumer goods, or the providing of recreational activities, including, but not limited to, nationally franchised fast food outlets, family oriented restaurants, bowling alleys, drug stores, discount stores, grocery stores, and convenience stores, may employ persons who are less than 18 years of age, but at least 16 years of age: *Provided*, That the person’s duties may ~~not~~ include the sale or ~~delivery~~ of nonintoxicating beer or alcoholic liquors only when directly supervised by a person 21 years of age or older: *Provided, however*, That the authorization to employ persons under the age of 18 years shall be clearly indicated on the licensee’s license.

CHAPTER 19. AGRICULTURE.**ARTICLE 2. MARKETING AGRICULTURAL PRODUCTS.****§19-2-12. Agriculture Development Fund; administration; purpose; funding.**

(a) There is hereby created in the State Treasury a special revenue account to be known as the Agriculture Development Fund. The fund shall be administered by the Department of Agriculture. The fund shall consist of all moneys deposited into the fund pursuant to §60-8A-3 of this code; any moneys that may be designated for deposit in this fund by an act of the Legislature; any moneys appropriated and designated for the fund by the Legislature; any moneys able to be transferred into the fund by authority of the commissioner from other funds; and gifts, donations, and interest or other returns earned from investment of the fund.

(b) Expenditures from the fund shall be for the purpose of fostering and supporting the development of agricultural sectors, such as hard cider, within the state, and are not authorized from collections, but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of §12-3-1 *et seq.* of this code and upon the fulfillment of the provisions set forth in §11B-2-1 *et seq.* of this code. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund, but shall remain in the fund and be expended as provided by this section.

§19-2-13. Hard cider development program; purpose; funding.

The commissioner shall establish a program to foster the development and growth of the hard cider industry in the state. The purpose of the program shall be to assist in the development of fruit inputs necessary for the production of hard cider in the state. The program shall be funded using moneys deposited within the Agriculture Development Fund created pursuant to §19-2-12 of this code.

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 1. GENERAL PROVISIONS.

§60-1-5a. Farm wineries defined.

(a) For the purpose of this chapter 'Farm winery' means an establishment where in any year 50,000 gallons or less of wine, which includes hard cider, and nonfortified dessert wine are manufactured exclusively by natural fermentation from grapes, apples, pears, peaches, other fruits or honey, or other agricultural products containing sugar and where port, sherry, and Madeira wine may also be manufactured, with 25 percent of such raw products being produced by the owner of ~~such~~ the farm winery on the premises of that establishment and no more than 25 percent of such produce originating from any source outside this state. Any port, sherry, or Madeira wine manufactured by a winery or a farm winery ~~must~~ shall not exceed an alcoholic content of 22 percent alcohol by volume and shall be matured in wooden barrels or casks.

(b) Notwithstanding the provisions of subsection (a) of this section, a farm winery may include one off-farm location. The owner of a farm winery may provide to the commissioner evidence, accompanied by written findings by the West Virginia Agriculture Commissioner in support thereof, that the owner has planted on the premises of the farm winery young nonbearing fruit plants. The commissioner may grant permission for one off-farm location when the location produces in an amount equal to that reasonably expected to be produced when the nonbearing fruit plants planted on the farm winery come into full production. The length of time of the permission to use an off-farm location shall be determined by the commissioner after consultation with the Agriculture Commissioner.

ARTICLE 3A. SALES BY RETAIL LIQUOR LICENSEES.

§60-3A-3b. Private liquor delivery license for a retail liquor outlet or a third party; requirements; limitations; third party license fee; private liquor bottle delivery permit; requirements, and curbside in-person and in-vehicle delivery by a retail liquor outlet.

(a) A retail liquor outlet that is licensed to sell liquor for off-premises consumption may apply for a private liquor delivery license permitting the order, sale, and delivery of sealed liquor bottles or cans in the original container. The order, sale, and delivery of sealed liquor bottles or cans in the original container is permitted for off-premises consumption when completed by the licensee to a person purchasing the sealed liquor bottles or cans through a telephone, a mobile ordering application, or a web-based software program, authorized by the licensee's license. There is no additional fee for a licensed retail liquor outlet to obtain a private liquor delivery license. The order, sale, and delivery process shall meet the requirements of this section. The order, sale, and delivery process is subject to the penalties of this article.

(b) A third party, not licensed for liquor sales or distribution, may apply for a private liquor delivery license for the privilege of ordering and delivery of sealed liquor bottles or cans, from a licensed retail liquor outlet. The order and delivery of sealed liquor bottles or cans permitted for off-premises consumption by a third party licensee when a retail liquor outlet sells to a person purchasing the sealed liquor bottles or cans through telephone orders, a mobile ordering application, or a web-based software program. The private liquor delivery license non-prorated, nonrefundable annual fee is \$200 per third party entity, with no limit on the number of drivers and vehicles.

(c) The private liquor delivery license application shall comply with licensure requirements in this article and shall provide any information required by the commissioner.

(d) *Sale Requirements.* -

(1) The purchase of sealed liquor bottles or cans in the original container may accompany the purchase of food and the completion of the sale may be accomplished by the delivery of food and sealed liquor bottles or cans in the original container by the licensee or third party licensee;

(2) Any purchasing person shall be 21 years of age or older, shall not be visibly or noticeably intoxicated at the time of delivery, and shall meet the requirements set forth in this chapter for the sale

of alcoholic liquors and in §11-16-1 et seq. of the code, for nonintoxicating beer or nonintoxicating craft beer.

(3) ‘Food’, for purposes of this section, means food that has been cooked, microwaved, or that is pre-packaged food from the manufacturer.

(4) An order, sale, and delivery may consist of up to five 750 milliliter sealed liquor bottles for each order; Provided, That the entire delivery order may not contain any combination of sealed liquor bottles or cans in the original container, where the combination is more than 128 fluid ounces of liquor total; and

(5) A third party delivery licensee shall not have a pecuniary interest in a retail liquor outlet, as set forth in this article. A third party private liquor delivery licensee may only charge a convenience fee for the delivery of any alcohol. The third party private liquor delivery licensee may not collect a percentage of the liquor delivery order, but may continue to collect a percentage of the delivery order directly related to food. The convenience fee charged by the third-party private liquor delivery licensee to the purchasing person shall be no greater than five dollars per delivery order where a sealed liquor bottle or can in the original container is ordered by the purchasing person. For any third party licensee also licensed for other nonintoxicating beer or nonintoxicating craft beer delivery pursuant to §11-16-1 et seq. of this code, wine delivery pursuant to §60-8-1 et seq. of this code, or a sealed craft cocktail growler delivery pursuant to §60-7-1 et seq. of this code, the total convenience fee of any order, sale, and delivery of sealed alcoholic liquor or nonintoxicating beer, or nonintoxicating craft beer shall not exceed five dollars.

(e) *Private Liquor Delivery Requirements.* -

(1) Delivery persons employed for the delivery of a sealed liquor bottles or cans in the original container shall be 21 years of age or older and a retail liquor outlet and a third-party private liquor delivery licensee shall file each delivery person’s name, driver’s license, and vehicle information with the commissioner;

(2) A retail liquor outlet and a third-party private liquor delivery licensee shall train delivery persons on verifying legal identification and in identifying the signs of intoxication. A retail liquor outlet and a third-party private liquor delivery licensee shall submit certification of the training to the commissioner;

(3) The retail liquor outlet or third party private liquor delivery licensee shall hold a private liquor bottle delivery permit for each vehicle delivering a sealed liquor bottle or can in the original container pursuant to subsection (g) of this section: *Provided*, That a delivery driver may retain an electronic copy of his or her permit as proof of licensure;

(4) A retail liquor outlet or third party private liquor delivery licensee shall deliver food and a sealed liquor bottle or can order in the original container in the market zone or contiguous market zone where the licensed retail liquor outlet is located;

(5) A retail liquor outlet or third party private liquor delivery licensee may only deliver food and a sealed liquor bottle or can in the original container to addresses located in West Virginia, The retail liquor outlet or third party private liquor delivery licensee shall pay and account for all sales and municipal taxes;

(6) A retail liquor outlet or third party private liquor delivery licensee may not deliver food and a sealed liquor bottle or can in the original container to any licensee licensed under §11-16-1 *et seq.* of this code, and under this chapter;

(7) Deliveries of food and a sealed liquor bottle or can in the original container are only for personal use, and not for resale; and

(8) A retail liquor outlet or third party private liquor delivery licensee shall not deliver and leave food and a sealed liquor bottle or can in the original container at any address without verifying a person's age and identification as required by this section.

(f) *Telephone, mobile ordering application, or web-based software requirements.* -

(1) The delivery person shall only permit the person who placed the order through a telephone order, a mobile ordering applicant, or web-based software to accept the food and a sealed liquor bottle or can in the original container for delivery which is subject to verification upon delivery with the delivery person's visual review and verification and, as applicable, a stored scanned image of the purchasing person's legal identification;

(2) Any mobile ordering application or web-based software used shall create a stored record and image of the purchasing person's legal identification and details of the sale, accessible by the delivery driver for verification, and shall include the delivery driver's name and vehicle information;

(3) Any telephone ordering system shall maintain a log or record of the purchasing person's legal identification and details of the sale, accessible by the delivery driver for verification, and shall include the delivery driver's name and vehicle information;

(4) All records are subject to inspection by the commissioner. A retail liquor outlet or third party private liquor delivery licensee shall retain records for three years, and shall not unreasonably withhold the records from the commissioner's inspection; and

(5) The retail liquor outlet or third party delivery licensee shall hold a valid private liquor bottle delivery permit required by subsection (g) of this section for each vehicle that may offer delivery.

(g) *Private Liquor Bottle Delivery Permit.* -

(1) A retail liquor outlet or third party delivery licensee shall obtain and maintain a retail transportation permit for the delivery of and a sealed liquor bottle or can in the original container.

(2) A retail liquor outlet or third party private delivery licensee shall provide vehicle and driver information, requested by the commissioner. Upon any change in vehicles or drivers, the licensee shall update the driver and vehicle information with the commissioner within 10 days of the change.

(3) Subject to the requirement of §60-6-12 of this code, a private liquor bottle delivery permit shall meet the requirements of a transportation permit authorizing the permit holder to transport liquor subject to the requirements of this chapter.

(h) Enforcement. -

(1) The retail liquor outlet or the licensed third party are responsible for any violations committed by their employees or independent contractors under this article, and more than one violation may be issued for a single violation involving multiple licensees, employees, or independent contractors.

(2) Any license or permit granted by this section is subject to the penalties of probation, monetary fines, suspension, and revocation, as set forth in this article, for violations committed by the licensee, its employees, or independent contractors.

(3) It is a violation for any licensee, its employees, or independent contractors to break the seal of a sealed liquor bottle. A person who violates the provisions of this subdivision is subject to the maximum penalties available in this chapter.

(4) For purposes of criminal enforcement of the provisions of this article, persons ordering, purchasing, and accepting delivery of orders are considered to be purchasers.

(i) Retail liquor outlets licensed for off-premises sales of sealed liquor bottles and cans in the original container may provide for the sale and curbside in-person or in-vehicle pick-up of sealed liquor bottles or cans in the original container, subject to verification that the purchasing person is 21 years of age or older, and not visibly, or noticeably intoxicated, and as otherwise specified in this article.

(j) Retail liquor outlets licensed for off-premises sales of sealed liquor bottles and cans in the original container may provide for the sale and delivery through a drive up or drive through structure, approved by the commissioner, of sealed liquor bottles or cans in the original container, subject to verification that the purchasing person is 21 years of age or older, and not visibly, or noticeably intoxicated, and as otherwise specified in this article.

§60-3A-25. Certain acts of retail licensees prohibited; criminal penalties.

(a) It is unlawful for any retail licensee, or agent or employee thereof, on ~~such~~ the retail licensee's premises to:

(1) Sell or offer for sale any liquor other than from the original package or container;

(2) Sell, give away, or permit the sale of, gift of, or the procurement of, any liquor, for or to any person under 21 years of age;

(3) Sell, give away, or permit the sale of, gift of, or the procurement of, any liquor, for or to any person visibly intoxicated;

(4) Sell or offer for sale any liquor other than during the hours permitted for the sale of liquor by retail licensees as provided under this article;

(5) Permit the consumption by any person of any liquor;

(6) With the intent to defraud, alter, change, or misrepresent the quality, quantity, or brand name of any liquor;

(7) Permit any person under 18 years of age to sell, furnish, or give liquor to any other person, except as provided in subsection (c) of this section;

(8) Purchase or otherwise obtain liquor in any manner or from any source other than that specifically authorized in this article; or

(9) Permit any person to break the seal on any package, can or bottle of liquor.

(b) Any person who violates any provision of this article, except section 24 of this article, including, but not limited to, any provision of this section, or any rule promulgated by the board or the commissioner, or who makes any false statement concerning any material fact, or who omits any material fact with intent to deceive, in submitting an application for a retail license or for a renewal of a retail license or in any hearing concerning the

suspension or revocation thereof, or who commits any of the acts declared in this article to be unlawful, is guilty of a misdemeanor and, shall, upon conviction thereof, for each offense be fined not less than \$100 or more than \$5,000, or imprisoned in the county jail for not less than 30 days nor more than one year, or both fined and imprisoned. Magistrates have concurrent jurisdiction with the circuit courts for offenses under this article.

(c) Nothing in this article, or any rule of the board or commissioner, prevents or prohibits any retail licensee from employing any person who is at least 18 years of age to serve in any retail licensee's lawful employment at any retail outlet operated by ~~such the~~ retail licensee, or from having ~~such the~~ person sell ~~or deliver~~ liquor or transport liquor on behalf of a manufacturer under the provisions of this article. With the prior approval of the commissioner, a retail licensee may employ persons at any retail outlet operated by ~~such a~~ retail licensee who are less than 18 years of age but at least 16 years of age, ~~but such the~~ persons' duties ~~shall not~~ may include the sale ~~or delivery~~ of liquor only when directly supervised by a person 21 years of age or older: Provided, That the authorization to employ such the persons under the age of 18 years shall be clearly indicated on the retail licensee's license issued to any such retail licensee. Provided, however, That nothing in this article, nor any rule or regulation of the commissioner, shall prevent or be considered to prohibit any licensee from employing any person who is at least 21 years of age for the ordering and delivery of liquor when licensed for liquor ordering and delivery under the provisions of this chapter.

ARTICLE 4. LICENSES.

§60-4-3a. Distillery and mini-distillery license to manufacture and sell.

(a) *Sales of liquor.* — An operator of a distillery, mini-distillery, or micro-distillery may offer liquor for retail sale to customers from the distillery, mini-distillery, or micro-distillery for consumption off premises only. Except for complimentary samples offered pursuant to §60-6-1 of this code, customers ~~are prohibited from consuming~~ may not consume any liquor on the premises of

the distillery, mini-distillery, or micro-distillery and except for a distillery, mini-distillery, or micro-distillery that obtains a private manufacturer club license set forth in §60-7-1 et seq. of this code, and a Class A retail dealer license set forth in §11-16-1 et seq. of the code: *Provided*, That a licensed distillery, mini-distillery, or micro-distillery may offer complimentary samples of alcoholic liquors as authorized ~~per~~ *by* this subsection ~~of~~ when alcoholic liquors are manufactured by that licensed distillery, mini-distillery, or micro-distillery for consumption on the licensed premises, ~~only~~, ~~on~~ Sundays beginning at 10:00 a.m. in any county in which the same has been approved as provided for in §7-1-3pp of this code. Notwithstanding any other provision of law to the contrary, a licensed distillery, mini-distillery, or micro-distillery may sell, furnish, and serve alcoholic liquors when licensed accordingly beginning at 6:00 a.m. unless otherwise determined by the residents of the county pursuant to §7-1-3ss of this code.

(b) *Retail off-premises consumption sales.* — Every licensed distillery, mini-distillery, or micro-distillery shall comply with the provisions of §60-3A-9, §60-3A-11, §60-3A-13, §60-3A-16, §60-3A-17, §60-3A-18, §60-3A-19, §60-3A-22, §60-3A-23, §60-3A-24, §60-3A-25, and §60-3A-26 of this code, and the provisions of §60-3-1 et seq. and §60-4-1 et seq., of this code, applicable to liquor retailers and distillers.

(c) *Payment of taxes and fees.* — The distillery, mini-distillery, or micro-distillery shall pay all taxes and fees required of licensed retailers and meet applicable licensing provisions as required by this chapter and by rule of the commissioner, except for payments of the wholesale markup percentage and the handling fee provided by rule of the commissioner: *Provided*, That all liquor for sale to customers from the distillery, mini-distillery, or micro-distillery for off-premises consumption ~~shall be~~ is subject of a five percent wholesale markup fee and an 80 cents per case bailment fee to be paid to the commissioner: *Provided, however*, That ~~no~~ liquor sold by the distillery, mini-distillery, or micro-distillery shall not be priced less than the price set by the commissioner pursuant §60-3A-17 of this code.

(d) *Payments to market zone retailers.* — Each distillery, mini-distillery, or micro-distillery shall submit to the commissioner two percent of the gross sales price of each retail liquor sale for the value of all sales at the distillery, mini-distillery, or micro-distillery each month. This collection shall be distributed by the commissioner, at least quarterly, to each market zone retailer located in the distillery, mini-distillery, or micro-distillery's market zone, proportionate to each market zone retailer's annual gross prior years pretax value sales. The maximum amount of market zone payments that a distillery, mini-distillery, or micro-distillery shall ~~be required to~~ submit to the commissioner is \$15,000 per annum.

(e) *Limitations on licensees.* — ~~No~~ A distillery, mini-distillery, or micro-distillery may not sell more than 3,000 gallons of product at the distillery, mini-distillery, or micro-distillery location during the initial ~~two years~~ 24 month period of licensure. The distillery, mini-distillery, or micro-distillery may increase sales at the distillery, mini-distillery, micro-distillery location by 2,000 gallons following the initial 24 month period of licensure and may increase sales at the distillery, mini-distillery, or micro-distillery location each subsequent 24 month period by 2,000 gallons, not to exceed 10,000 gallons a year of total sales at the distillery, mini-distillery, or micro-distillery location. No licensed mini-distillery may produce more than 50,000 gallons per calendar year at the mini-distillery location. ~~No~~ A licensed micro-distillery may not produce more than 10,000 gallons per calendar year at the micro-distillery location. ~~The commissioner may issue~~ more than one distillery or mini-distillery license ~~may be issued~~ to a single person or entity and ~~no~~ a person may ~~not~~ hold both a distillery and a mini-distillery license. The owners of a licensed distillery, mini-distillery, or micro-distillery may operate a winery, farm winery, brewery, or as a resident brewer as otherwise specified in the code.

(f) *Building code and tax classification-* Notwithstanding any provision of this code to the contrary, the mere addition of a distillery, mini-distillery, or micro-distillery licensed under this article on a property does not change the nature or use of the

property which otherwise qualifies as agricultural use for building code and property tax classification purposes.

§60-4-3b. Winery and farm winery license to manufacture and sell.

(a) An operator of a winery or farm winery may offer wine produced by the winery, farm winery, or a farm entity authorized by §60-1-5c of this code, for retail sale to customers from the winery or farm winery for consumption off the premises only. Customers may consume wine on the premises when an operator of a winery or farm winery offers ~~Except for free~~ complimentary samples ~~offered~~ pursuant to §60-6-1 of this code, the winery or farm winery is licensed as a private wine restaurant, or the winery or farm winery is licensed as a private manufacturer club. ~~customers~~ Customers are prohibited from consuming ~~may not consume~~ any wine on the licensed premises of the winery, farm winery, or a farm entity authorized by §60-1-5c of this code, unless ~~such~~ the winery, farm winery, or farm entity has obtained a multi-capacity winery or farm winery license: Provided, That under this subsection, a licensed winery or farm winery may offer complimentary samples ~~per this subsection~~ of wine manufactured by that licensed winery or farm winery for consumption on the premises only on Sundays beginning at ~~10:00~~ 6:00 a.m. in any county in which the same has been approved as provided in §7-1-3ss of this code. Notwithstanding any other provision of law to the contrary, a licensed winery or farm winery may sell, serve, and furnish wine, for on-premises consumption when licensed accordingly, beginning at 6:00 a.m., and for off-premises consumption beginning at 6:00 a.m. on any day of the week, unless otherwise determined by the residents of the county pursuant to §7-1-3ss of this code.

(b) Complimentary samples allowed by the provisions of this section may not exceed two fluid ounces and no more than three ~~such~~ samples may be given to a patron in any one day.

(c) Complimentary samples may be provided only for on-premises consumption.

(d) A winery, farm winery, or farm entity pursuant to §60-1-5c of this code may offer for retail sale from their licensed premises sealed original container bottles of wine for off-premises consumption only.

(e) A winery, farm winery, or farm entity licensed pursuant to §60-1-5c of this code, holding a multicapacity license and a private wine restaurant license may offer wine by the drink or glass in a private wine restaurant located on the property of the winery, farm winery, or farm entity licensed pursuant to §60-1-5c of this code.

(f) Every licensed winery or farm winery shall comply with the provisions of §60-3-1 *et seq.*, §60-4-1 *et seq.*, and §60-8-1 *et seq.* of this code as applicable to wine retailers, wineries, and suppliers when properly licensed in such capacities.

(g) (1) The winery or farm winery shall pay all taxes and fees required of licensed wine retailers and meet applicable licensing provisions as required by this chapter and by rules promulgated by the commissioner.

(2) Each winery or farm winery acting as its own supplier shall submit to the Tax Commissioner the liter tax for all sales at the winery or farm winery each month, as provided in §60-8-1 *et seq.* of this code.

(3) The five percent wine excise tax, levied pursuant to §60-3-9d of this code, or pursuant to §8-13-7 of this code, may not be imposed or collected on purchases of wine in the original sealed package for the purpose of resale in the original sealed package, if the final purchase of ~~such~~ the wine is subject to the excise tax or if the purchase is delivered outside this state.

(4) No liter tax shall be collected on wine sold in the original sealed package for the purpose of resale in the original sealed package if a subsequent sale of ~~such~~ the wine is subject to the liter tax.

(5) This section shall not be interpreted to authorize a purchase for resale exemption in contravention of §11-15-9a of this code.

(h) A winery or farm winery may advertise a particular brand or brands of wine produced by it. ~~and the~~ The price of the wine is subject to federal requirements or restrictions.

(i) A winery or farm winery ~~must~~ shall maintain a separate winery or farm winery supplier, retailer, and direct shipper licenses when acting in one or more of those capacities and ~~must~~ shall pay all associated license fees, unless ~~such~~ the winery or farm winery holds a license issued pursuant to the provisions of §60-8-3(b)(12) of this code. A winery or farm winery, if holding the appropriate licenses or a multi-capacity winery or farm winery license, may act as its own supplier; retailer for off-premises consumption of its wine as specified in §60-6-2 of this code; private wine restaurant; and direct shipper for wine produced by the winery or farm winery. A winery or farm winery that has applied, paid all fees, and met all requirements may obtain a private manufacturer club license subject to the requirements of §60-7-1 et seq. of this code, and a Class A retail dealer license subject to the requirements of §11-16-1 et seq. of the code. All wineries must use a distributor to distribute and sell their wine in the state, except for farm wineries. ~~No more than one winery or farm winery license may be issued to a single person or entity and no person may hold both a winery and a farm winery license~~ Wineries or farm wineries may enter into alternating wine proprietorship agreements pursuant to §60-1-5c of this code.

(j) The owners of a licensed winery or farm winery may operate a distillery, mini-distillery, or micro-distillery, brewery, or as a resident brewer, as otherwise specified in the code.

~~(j)~~ (k) For purposes of this section, terms ~~will~~ have the same meaning as provided in §8-13-7 of this code.

(l) Building code and tax classification- Notwithstanding any provision of this code to the contrary, the mere addition of a winery or farm winery licensed under this article on a property does not change the nature or use of the property which otherwise qualifies as agricultural use for building code and property tax classification purposes.

§60-4-3c. License required for sale and shipment of liquor by a distillery, mini-distillery or micro-distillery; shipment of limited quantities of liquor permitted by a private direct shipper; requirements; license fee, and penalties.

(a) Authorization. - Except for the commissioner, no person may offer for sale liquor, sell liquor, or offer liquor for shipment in this state, except for a licensed private direct shipper. A distillery, mini-distillery, or micro-distillery, whose licensed premises is located in this state or whose licensed premises is located and licensed out of this state, who desires to engage in the sale and shipment of liquor produced by the distillery, mini-distillery, or micro-distillery on its licensed premises, shall ship directly from the licensee's primary place of distilling by mail, using a mail shipping carrier to a purchasing person who is 21 years of age or older, for personal use, and not for resale under this article. The distillery, mini-distillery, or micro distillery shall obtain a private direct shipper license. Shipments to a purchasing person shall only be to a retail liquor outlet in the market zone in which the purchasing person resides. A private direct shipper may ship liquor subject to the requirements in this chapter in and throughout West Virginia, except for those local option areas designated as "dry" areas under §60-5-1 et seq. of this code. A private direct shipper may also sell, and ship liquor out of this state directly from its primary place of distilling by mail, using a mail shipping carrier to a purchasing person who is 21 years of age or older subject to the recipient state's or country's requirements, laws, and international laws.

(b) License requirements. - Before sending any shipment of liquor to a purchasing person who is 21 years of age or older, the private direct shipper must first:

(1) File a license application with the commissioner with the appropriate background check information, using forms required by the commissioner. Criminal background checks will not be required of applicants licensed in their state of domicile who can provide a certificate of good standing from their state of domicile;

(2) Pay to the commissioner the \$250 non-prorated and nonrefundable annual license fee to ship and sell only liquor;

(3) Obtain a business registration number from the Tax Commissioner;

(4) Register with the office of the Secretary of State;

(5) Provide the commissioner a true copy of its current active license issued in the state of domicile, proving that the private direct shipper is licensed in its state of domicile as a distillery, is authorized by such state to ship liquor;

(6) Obtain from the commissioner a private direct shipper's license;

(7) Submit to the commissioner a list of all brands of liquor to be shipped to West Virginia and attest that all liquor brands are manufactured by the distillery on its licensed premises seeking licensure and are not counterfeit or adulterated liquor;

(8) Attest that the distillery, mini-distillery, or micro-distillery distills less than 50,000 gallons of liquor each calendar year and provide documentary evidence along with the attestation; and

(9) Meet all other licensing requirements of this chapter and provide any other information that the commissioner may reasonably require.

(c) *Shipping Requirements.* - All private direct shipper licensees shall:

(1) Not ship more than two bottles of liquor per month to a retail liquor outlet for pickup by a purchasing person who is 21 years of age or older for his or her personal use and consumption, and not for resale. The combined fluid volume of both bottles shall not exceed three liters;

(2) Not ship to any address in an area identified by the commissioner as a 'dry' or local option area where it is unlawful to sell liquor under §60-5-1 *et seq.* of this code;

(3) Not ship to any licensed suppliers, brokers, distributors, retailers, private clubs, or other licensees licensed under this chapter or §11-16-1 et seq. of this code;

(4) Not ship liquor from overseas or internationally;

(5) Ensure that all containers of liquor shipped to a retail liquor outlet for pickup by a purchasing person who is 21 years of age or older, are clearly and conspicuously labeled with the words 'CONTAINS ALCOHOL: SIGNATURE OF PERSON 21 OR OLDER REQUIRED FOR DELIVERY';

(6) Require a retail liquor outlet to obtain a written or electronic signature upon delivery to a purchasing person who is 21 years of age or older when picking up a sealed liquor delivery order; and

(7) Utilize a licensed and bonded shipping carrier who has obtained a transportation permit as specified in §60-6-12 of the code.

(d) *Payment of Fees and Taxes.*

(1) Any private direct shipper licensee on all sales of liquor must collect and remit the entire wholesale markup percentage and any handling fees, in full, as set forth in §60-3A-17 of the code and by rule of the commissioner to the commissioner at the close of each month and file a monthly report, on a form provided by the commissioner.

(2) Further, the private direct shipper licensee on all sales of liquor shall collect and remit all state sales tax, municipal tax, and local sales tax to the Tax Commissioner at the close of each month and file a monthly return, on a form provided by the Tax Commissioner, reflecting the taxes paid for all sales and shipments.

(3) The payment of fees to the commissioner and taxes to the Tax Commissioner may be in addition to fees and taxes levied by the private direct shipper's domicile state.

(4) No private direct shipper will be required to pay any fees to the commissioner or taxes to the Tax Commissioner more than once.

(5) A retail liquor outlet which has entered a written agreement with a private direct shipper to accept a liquor shipment under this section may charge an additional fee not less than ten percent fee based on the total price of the liquor shipment, excluding the shipping charges, to a lawful purchaser.

(e) Jurisdiction. - By obtaining a private direct shipper licensee be deemed to have agreed and consented to the jurisdiction of the commissioner, which is Charleston, West Virginia and the Kanawha County circuit court, concerning enforcement of this chapter and any other related laws or rules.

(f) Records and reports. -

(1) Licensed private direct shippers and retail liquor outlets must maintain accurate records of all shipments sent to West Virginia.

(2) Provide proof or records to the commissioner, upon request, that all direct shipments of liquor were purchased and delivered to a purchasing person who is 21 years of age or older.

(g) The private direct shipper may annually renew its license with the commissioner by application, paying the private direct shipper license fee and providing the commissioner with a true copy of a current distillery license from the private direct shipper's domicile state.

(h) The commissioner may promulgate legislative rules to effectuate the purposes of this law.

(i) Penalties. -

(1) The commissioner may enforce the requirements of this chapter by administrative proceedings as set forth in §60-7-13 and §60-7-13a of this code to suspend or revoke a private direct shipper's license or retail liquor outlet's license, and the

commissioner may accept payment of a penalties as set forth in §60-7-13 and §60-7-13a of this code or an offer in compromise in lieu of suspension, at the commissioner's discretion. Hearings and appeals on such notices may be had in the same manner as in the case of revocations of licenses set forth in §60-7-13 and §60-7-13a of this code.

(2) If any such distillery violates the provisions of this chapter, the commissioner may determine to suspend the privileges of the distillery to sell, ship, or deliver liquor to a purchasing person who is 21 years of age or older or to the commissioner, or otherwise engage in the liquor business in this state for a period of one year from the date a notice is mailed to such person by the commissioner of the fact that such person has violated the provisions of this article. During such one-year period, it shall be unlawful for any person within this state to buy or receive liquor from such person or to have any dealings with such person with respect thereto.

(k) *Criminal Penalties.* – A shipment of liquor directly to citizens in West Virginia from persons who do not possess a valid private direct shipper's license is prohibited. Any person who knowingly makes, participates in, transports, imports, or receives such an unlicensed and unauthorized direct shipment is guilty of a felony and, shall, upon conviction thereof, be fined in an amount not to exceed \$10,000 per violation. Without limitation on any punishment or remedy, criminal or civil, any person who knowingly makes, participates in, transports, imports, or receives such a direct shipment constitutes an act that is an unfair trade practice.

ARTICLE 6. MISCELLANEOUS PROVISIONS.

§60-6-8. Unlawful sale or possession by licensee.

A licensed person shall not:

(1) Sell, furnish, tender, or serve alcoholic liquors of a kind other than that which ~~such~~ the license or this chapter authorizes him or her to sell;

(2) Sell, furnish, tender, or serve beer to which wine, spirits, or alcohol has been added;

(3) Sell, furnish, tender, or serve wine to which other alcoholic spirits have been added, otherwise than as required in the manufacture ~~thereof~~ of the wine under ~~regulations~~ rules of the commission;

(4) Sell, furnish, tender, or serve alcoholic liquors to a person specified in §60-3-22 of this code;

(5) Sell, furnish, tender, or serve alcoholic liquors except as authorized by ~~his or her~~ its license;

(6) Sell, furnish, tender, or serve alcoholic liquors other than by the drink, poured from the alcoholic liquors' original container: *Provided*, That under certain requirements exceptions to liquor by the drink are as follows:

(A) A private club licensed under §60-7-1 *et seq.* of this code, that is in good standing with the commissioner and has paid a \$1000 on-premises only bottle service fee to the commissioner, may sell or serve liquor by the bottle to two or more persons for consumption on the licensed premises only, and any liquor bottle sold by ~~such a~~ the private club shall be sold at retail for personal use, and not for resale, to a person for not less than 300 percent of the private club's cost, and ~~no such~~ the liquor bottle shall ~~not~~ be removed from the licensed premises by any person or the licensee; and

(B) A Class A licensee licensed under §60-8-1 *et seq.* of this code may sell or serve wine by the bottle to two or more persons for consumption on the licensed premises only, unless ~~such the~~ licensee has obtained a license or privilege authorizing other activity;

(7) Sell, furnish, tender, or serve pre-mixed alcoholic liquor that is not in the original container: *Provided*, That a licensee may sell, furnish, tender, and serve up to 15 recipes of pre-mixed beverages consisting of alcoholic liquors; and nonalcoholic mixer,

and use it in a manner approved by the commissioner and in accord with public health and safety standards:

(A) The licensee shall use approved dispensing and storage equipment which shall be cleaned at the end of the day. Failure to clean the dispensing and storage equipment shall result in the immediate suspension or revocation of the permit;

(B) The licensee shall sanitize and clean the pre-mixing beverage storage equipment after each use or after each batch of the pre-mixed beverage is made;

~~(A) The frozen drink mixing beverage machine is emptied and sanitized daily; and~~

~~(B)~~(C) That The licensee shall maintain a written record reflecting the cleaning and sanitizing of the storage and dispensing equipment ~~frozen drink machine is maintained~~ for inspection by the commissioner and health inspectors;

(D) A violation or violations this subdivision may result in the suspension or revocation of the permit and may result in additional sanctions under this chapter or §11-16-1 et seq. of this code;

(8) Sell, furnish, tender, or serve any alcoholic liquor when forbidden by the provisions of this chapter;

(9) Sell, possess, possess for sale, tender, serve, furnish, or provide any powdered alcohol;

(10) Keep on the premises covered by his or her license alcoholic liquor other than that which he or she is authorized to sell, furnish, tender, or serve by such license or by this chapter.

A person who violates any provision of this section ~~shall be~~ is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500 or confined in jail not less than 30 days nor more than one year, or both ~~such fine~~ fined and confined ~~confinement~~ for the first offense. Upon conviction of a second or subsequent offense, the court may ~~in its discretion~~ impose a penalty of ~~confinement~~ imprisonment in a state

correctional facility for a period not to exceed three years. A person who violates any provision of this section for the second or any subsequent offense under this section is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a period not to exceed three years.

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-2. **Definitions; authorizations; requirements for certain licenses. ~~power to lease building for establishment of private club.~~**

Unless the context in which used clearly requires a different meaning, as used in this article:

(a) ‘Applicant’ means a private club applying for a license under the provisions of this article.

(b) ‘Code’ means the official Code of West Virginia, 1931, as amended.

(c) ‘Commissioner’ means the West Virginia Alcohol Beverage Control Commissioner.

(d) ‘Licensee’ means the holder of a license to operate a private club granted under this article, which ~~license shall remain~~ remains unexpired, unsuspended, and unrevoked.

(e) ‘Private club’ means any corporation or unincorporated association which either: (1) Belongs to or is affiliated with a nationally recognized fraternal or veterans’ organization which is operated exclusively for the benefit of its members, which pays no part of its income to its shareholders or individual members, which owns or leases a building or other premises to which club are admitted only duly elected or approved dues-paying members in good standing of the corporation or association and their guests while in the company of a member and to which club the general public is not admitted, and which club maintains in the building or on the premises a suitable kitchen and dining facility with related equipment for serving food to members and their guests; ~~or~~ (2) is a nonprofit social club, which is operated exclusively for the benefit

of its members, which pays no part of its income to its shareholders or individual members, which owns or leases a building or other premises to which club are admitted only duly elected or approved dues-paying members in good standing of the corporation or association and their guests while in the company of a member and to which club the general public is not admitted, and which club maintains in the building or on the premises a suitable kitchen and dining facility with related equipment for serving food to members and their guests; or (3) is organized and operated for legitimate purposes which has at least 100 duly elected or approved dues-paying members in good standing, which owns or leases a building or other premises, including any vessel licensed or approved by any federal agency to carry or accommodate passengers on navigable waters of this state, to which club are admitted only duly elected or approved dues-paying members in good standing of the corporation or association and their guests while in the company of a member and to which club the general public is not admitted, and which club maintains in the building or on the premises a suitable kitchen and dining facility with related equipment and employs a sufficient number of persons for serving meals to members and their guests; or (4) is organized for legitimate purposes and owns or leases a building or other delimited premises in any state, county, or municipal park or at any airport, in which building or premises a club has been established, to which club are admitted only duly elected and approved dues-paying members in good standing and their guests while in the company of a member and to which club the general public is not admitted, and which maintains in connection with the club a suitable kitchen and dining facility and related equipment and employs a sufficient number of persons for serving meals in the club to the members and their guests.

(f) ‘Private caterer’ means a licensed private club restaurant authorized by the commissioner to cater and serve food and sell and serve alcoholic liquors, or non-intoxicating beer, or non-intoxicating craft beer. A private caterer shall purchase wine sold or served at a catering event from a wine distributor. A private caterer shall purchase nonintoxicating beer and nonintoxicating craft beer sold or served at the catering event from a licensed beer distributor. A private caterer shall purchase liquor from a retail

liquor outlet authorized to sell in the market zone, where the catering event is held. The private caterer or the persons or entity holding the catering event shall:

(1) Have at least 10 members and guests attending the catering event;

(2) Have obtained an open container waiver or have otherwise been approved by a municipality or county in which the event is being held;

(3) Operate a private club restaurant on a daily operating basis;

(4) Only use its employees, independent contractors, or volunteers to sell and serve alcoholic liquors who have received certified training in verifying the legal identification, the age of a purchasing person, and the signs of visible, noticeable, and physical intoxication;

(5) Provide to the commissioner, at least 7 days before the event is to take place:

(A) The name and business address of the unlicensed private venue where the private caterer is to provide food and alcohol for a catering event;

(B) The name of the owner or operator of the unlicensed private venue;

(C) A copy of the contract or contracts between the private caterer, the person contracting with the caterer, and the unlicensed private venue;

(D) A floorplan of the unlicensed private venue to comprise the private catering premises, which shall only include spaces in buildings or rooms of an unlicensed private venue where the private caterer has control of the space for a set time period where the space safely accounts for the ingress and egress of the stated members and guests who will be attending the private catering event at the catering premises. The unlicensed private venue's floorplan during the set time period as stated in the contract shall

comprise the private caterer's licensed premises, which is authorized for the lawful sale, service, and consumption of alcoholic liquors, nonintoxicating beer and nonintoxicating craft beer, and wine throughout the licensed private catering premises; *Provided*, That the unlicensed private venue shall: (i) Be inside a building or structure, (ii) have other facilities to prepare and serve food and alcohol, (iii) have adequate restrooms, and sufficient building facilities for the number of members and guests expected to attend the private catering event, and (iv) otherwise be in compliance with health, fire, safety, and zoning requirements;

(6) Not hold more than 15 private catering events per calendar year. Upon reaching the 16th event, the unlicensed venue shall obtain its own private club license;

(7) Submit to the commissioner, evidence that any noncontiguous area of an unlicensed venue is within 150 feet of the private caterer's submitted floorplan and may submit a floorplan extension for authorization to permit alcohol and food at an outdoor event;

(8) Meet and be subject to all other private club requirements; and

(9) Use an age verification system approved by the commissioner.

(g) 'Private club bar' means an applicant for a private club or licensed private club licensee that has a primary function for the use of the licensed premises as a bar for the sale and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer when licensed for such sales, while providing a limited food menu for members and guests, and meeting the criteria set forth in this subsection which:

(1) Has at least 100 members;

(2) Operates a bar with a kitchen, including at least: (A) A two-burner hot plate, air fryer, or microwave oven; (B) a sink with hot and cold running water; (C) a 17 cubic foot refrigerator or freezer, or some combination of a refrigerator and freezer, which is not used

for alcohol cold storage; (D) kitchen utensils and other food consumption apparatus, as determined by the commissioner; and (E) food fit for human consumption available to be served during all hours of operation on the licensed premises;

(3) Maintains, at any one time, \$500 of food inventory capable of being prepared in the private club bar's kitchen. In calculating the food inventory, the commissioner shall include television dinners, bags of chips or similar products, microwavable food or meals, frozen meals, prepackaged foods, or canned prepared foods;

(4) Uses an age verification system approved by the commissioner for the purpose of verifying that persons under the age of 18 who are in the private club bar are accompanied by a parent or legal guardian, and if a person under 18 years of age is not accompanied by a parent or legal guardian that person may not be admitted as a guest; and

(5) Meets and is subject to all other private club requirements.

(h) 'Private club restaurant' means an applicant for a private club or licensed private club licensee that has a primary function of using the licensed premises as a restaurant for serving freshly prepared meals and dining in the restaurant area. The private club restaurant may have a bar area separate from or commingled with the restaurant, seating requirements for members and guests must be met by the restaurant area. The applicant for a private club restaurant license shall meet the criteria set forth in this subsection which:

(1) Has at least 100 members;

(2) Operate a restaurant and full kitchen with at least: (A) Ovens and four-burner ranges; (B) refrigerators or freezers, or some combination of refrigerators and freezers, greater than 50 cubic feet, or a walk-in refrigerator or freezer; (C) other kitchen utensils and apparatus, as determined by the commissioner; and (D) freshly prepared food fit for human consumption available to be served during all hours of operation on the licensed premises;

(3) Maintains, at any one time, \$1,000 of fresh food inventory capable of being prepared in the private club restaurant's full kitchen. In calculating the food inventory, the commissioner may not include television dinners, bags of chips, or similar products, microwavable meals, frozen meals, prepackaged foods, or canned prepared foods;

(4) Uses an age verification system approved by the commissioner for the purpose of verifying that persons under 18 years of age who are in the bar area of a private club restaurant are accompanied by a parent or legal guardian. The licensee may not seat a person in the bar area who is under the age of 18 years and who is not accompanied by a parent or legal guardian, but may allow that person, as a guest, to dine for food and nonalcoholic beverage purposes in the restaurant area of a private club restaurant;

(5) May uncork and serve members and guests up to two bottles of wine that a member purchased from a wine retailer, wine specialty shop, an applicable winery or farm winery when licensed for retail sales, or a licensed wine direct shipper when the purchase is for personal use and, not for resale. The licensee may charge a corkage fee of up to \$10 dollars per bottle. In no event may a member or a group of members and guests exceed two sealed bottles or containers of wine to carry onto the licensed premises for uncorking and serving by the private club restaurant and for personal consumption by the member and guests. A member or guest may cork and reseal any unconsumed wine bottles as provided in §60-8-3(j) of this code and the legislative rules, for carrying unconsumed wine off the licensed premises;

(6) Must have at least two restrooms for members and their guests: *Provided*, That this requirement may be waived by the local health department upon supplying a written waiver of the requirement to the commissioner: *Provided, however*, That the requirement may also be waived for a historic building by written waiver supplied to commissioner of the requirement from the historic association or district with jurisdiction over a historic building: *Provided, further* That in no event shall a private club restaurant have less than one restroom; and

(7) Shall meet and be subject to all other private club requirements.

(i) ‘Private manufacturer club’ means an applicant for a private club or licensed private club licensee which is also licensed as a distillery, mini-distillery, micro-distillery, winery, farm winery, brewery, or resident brewery that manufactures liquor, wine, nonintoxicating beer, or nonintoxicating craft beer, which may be sold, served, and furnished to members and guests for on-premises consumption at the licensee’s licensed premises and in the area or areas denoted on the licensee’s floorplan, and which meets the criteria set forth in this subsection and which:

(1) Has at least 100 members;

(2) Offers tours, may offer complimentary samples, and may offer space as a conference center or for meetings;

(3) Operates a restaurant and full kitchen with ovens, four-burner ranges, a refrigerator, or freezer, or some combination of a refrigerator and freezer, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serves freshly prepared food at least 15 hours per week;

(4) Maintains, at any one time, \$500 of fresh food inventory capable of being prepared in the private manufacturer club’s full kitchen. In calculating the food inventory, the commissioner may not include television dinners, bags of chips, or similar products, microwavable meals, frozen meals, prepackaged foods, or canned prepared foods;

(5) Owns or leases, controls, operates, and uses acreage amounting to at least one acre which is contiguous bounded or fenced real property that would be listed on the licensee’s floorplan and may be used for large events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(6) Lists the entire property from subdivision (5) of this subsection and all adjoining buildings and structures on the private manufacturer club’s floorplan that would comprise the licensed premises, which would be authorized for the lawful sale, service,

and consumption of alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer, and wine throughout the licensed premises, whether these activities were conducted in a building or structure or outdoors while on the private manufacturer club's licensed premises, and as noted on the private manufacturer club's floorplan;

(7) Identifies a person, persons, an entity, or entities who or which has right, title, and ownership or lease interest in the real property, buildings, and structures located on the proposed licensed premises;

(8) Uses an age verification system approved by the commissioner; and

(9) Meets and is subject to all other private club requirements.

~~(f)~~(j) 'Private fair and festival' means an applicant for a private club or a licensed private club meeting the requirements of §60-7-8a of this code for a temporary event, and the criteria set forth in this subsection which:

(1) Has at least 100 members;

(2) Has been sponsored, endorsed, or approved, in writing, by the governing body (or its duly elected or appointed officers) of either the municipality or of the county ~~wherein~~ in which the festival, fair, or other event is to be conducted;

(3) ~~Shall prepare, provide, or engage~~ Prepares, provides, or engages a food ~~eater~~ vendor to provide adequate freshly prepared food or meals to serve its stated members and guests who will be attending the temporary festival, fair, or other event, and further shall provide any documentation or agreements of such to the commissioner prior to approval;

(4) ~~Shall~~ Does not use third-party entities or individuals to purchase, sell, furnish, or serve alcoholic liquors (~~liquor and wine~~), nonintoxicating beer, or nonintoxicating craft beer;

(5) ~~Shall provide~~ Provides adequate restroom facilities, whether permanent or portable, to serve the stated members and guests who will be attending the festival, fair, or other event;

(6) ~~Shall provide~~ Provides a floorplan for the proposed premises with a defined and bounded area to safely account for the ingress and egress of stated members and guests who will be attending the festival, fair, or other event; ~~and~~

(7) ~~Utilizes~~ Uses an age verification system approved by the commissioner; and

(8) Meets and is subject to all other private club requirements.

~~(g)~~(k) 'Private hotel' means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(1) Has at least 2,000 members;

(2) Offers short-term, daily rate accommodations or lodging for members and their guests amounting to at least 30 separate bedrooms, and also offers a conference center for meetings;

(3) Operates a restaurant and full kitchen with ovens, four-burner ranges, walk-in freezers, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serves freshly prepared food at least 20 hours per week;

(4) Maintains, at any one time, \$2,500 of fresh food inventory capable of being prepared in the private hotel's full kitchen, and in calculating the food inventory the commissioner may not include microwavable, frozen, or canned foods;

(5) Owns or leases, controls, operates, and uses acreage amounting to more than one acre but fewer than three acres, which are contiguous acres of bounded or fenced real property which would be listed on the licensee's floorplan and would be used for hotel and conferences and large contracted for group-type events

such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(6) ~~Lists in the application referenced in subdivision (5) of this subsection the entire property and all adjoining buildings and structures~~ Lists the entire property from subdivision (5) of this subsection and all adjoining buildings and structures on the private hotel's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private hotel's licensed premises and as noted on the private hotel's floorplan;

(7) Has an identified person, persons, or entity that has right, title, and ownership or lease interest in the real property buildings and structures located on the proposed licensed premises; ~~and~~

(8) ~~Utilizes~~ Uses an age verification system approved by the commissioner; and

(9) Meets and is subject to all other private club requirements.

~~(h)~~(1) 'Private resort hotel' means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(1) Has at least 5,000 members;

(2) Offers short-term, daily rate accommodations or lodging for members and their guests amounting to at least 50 separate bedrooms;

(3) Operates a restaurant and full kitchen with ovens, six-burner ranges, walk-in freezers, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serves freshly prepared food at least 25 hours per week;

(4) Maintains, at any one time, \$5,000 of fresh food inventory capable of being prepared in the private resort hotel's full kitchen,

and in calculating the food inventory the commissioner may not include microwavable, frozen, or canned foods;

(5) Owns or leases, controls, operates, and uses acreage amounting to at least 10 contiguous acres of bounded or fenced real property which would be listed on the licensee's floorplan and would be used for destination, resort, and large contracted for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(6) Lists the entire property from subdivision (5) of this subsection and all adjoining buildings and structures on the private resort hotel's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private resort hotel's licensed premises and as noted on the private resort hotel's floorplan;

(7) Has an identified person, ~~or~~ persons, or entity that has right, title, and ownership or lease interest in the real property, buildings, and structures located on the proposed licensed premises;

(8) ~~Utilizes~~ Uses an age verification system approved by the commissioner; ~~and~~

(9) Meets and is subject to all other private club requirements; and

~~(9)~~(10) May have a separately licensed resident brewer with a brewpub license inner-connected via a walkway, doorway, or entryway, all as determined and approved by the commissioner, for limited access during permitted hours of operation for tours and complimentary samples at the resident brewery.

~~(i)~~(m) 'Private golf club' means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(1) Has at least 100 members;

(2) Maintains at least one 18-hole golf course with separate and distinct golf playing holes, not reusing nine golf playing holes to comprise the 18 golf playing holes, and a clubhouse;

(3) Operates a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and serves freshly prepared food at least 15 hours per week;

(4) Owns or leases, controls, operates, and uses acreage amounting to at least 80 contiguous acres of bounded or fenced real property which would be listed on the private golf club's floorplan and could be used for golfing events and large contracted for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(5) Lists the entire property from subdivision (4) of this subsection and all adjoining buildings and structures on the private golf club's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private golf club's licensed premises and as noted on the private golf club's floorplan;

(6) Has an identified person, ~~or~~ persons, or entity that has right, title, and ownership interest in the real property, buildings, and structures located on the proposed licensed premises; ~~and~~

(7) ~~Utilizes~~ Uses an age verification system approved by the commissioner; and

(8) Meets and is subject to all other private club requirements.

~~(j)~~(n) 'Private nine-hole golf course' means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(1) Has at least 50 members;

(2) Maintains at least one nine-hole golf course with separate and distinct golf playing holes;

(3) Operates a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and serves freshly prepared food at least 15 hours per week;

(4) Owns or leases, controls, operates, and uses acreage amounting to at least 30 contiguous acres of bounded or fenced real property which would be listed on the private nine-hole golf course's floorplan and could be used for golfing events and large contracted for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(5) Lists the entire property from subdivision (4) of this subsection and all adjoining buildings and structures on the private nine-hole golf course's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private nine-hole golf course's licensed premises and as noted on the private nine-hole golf course's floorplan;

(6) Has an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises; ~~and~~

(7) ~~Utilizes~~ Uses an age verification system approved by the commissioner; and

(8) Meets and is subject to all other private club requirements.

(o) 'Private tennis club' means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(1) Has at least 100 members;

(2) Maintains at least four separate and distinct tennis courts, either indoor or outdoor, and a clubhouse or similar facility;

(3) Has a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and is capable of serving freshly prepared food;

(4) Owns or leases, controls, operates, and uses acreage amounting to at least two contiguous acres of bounded or fenced real property which would be listed on the private tennis club's floorplan and could be used for tennis events and large events such as weddings, reunions, conferences, tournaments, meetings, and sporting or recreational events;

(5) Lists the entire property from subdivision (4) of this subsection and all adjoining buildings and structures on the private tennis club's floorplan that would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private tennis club's licensed premises and as noted on the private tennis club's floorplan;

(6) Has identified a person, persons, an entity, or entities who or which has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(7) Meets and is subject to all other private club requirements; and

(8) Uses an age verification system approved by the commissioner.

(p) 'Private professional sports stadium' means an applicant for a private club or licensed private club licensee that is only open for professional sporting events when such events are affiliated with or sponsored by a professional sporting association, reserved weddings, reunions, conferences, meetings, or other special events and does not maintain daily or regular operating hours as a bar or restaurant. The licensee may not sell alcoholic liquors when conducting or hosting non-professional sporting events, and further the applicant shall:

(1) Have at least 1000 members;

(2) Maintain an open air or closed air stadium venue primarily used for sporting events, such as football, baseball, soccer, auto racing, or other professional sports, and also weddings, reunions, conferences, meetings, or other events where parties must reserve the stadium venue in advance of the event;

(3) Operate a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and capable of serving freshly prepared food, or meals to serve its stated members, guests, and patrons who will be attending the event at the private professional sports stadium;

(4) Own or lease, control, operate, and use acreage amounting to at least 3 contiguous acres of bounded or fenced real property, as determined by the commissioner, which would be listed on the professional sports stadium's floorplan and could be used for contracted for professional sporting events, group-type weddings, reunions, conferences, meetings, or other events;

(5) List the entire property from subdivision (4) of this subsection and all adjoining buildings and structures on the private professional sports stadium's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private professional sports stadium's licensed premises and as noted on the private professional sports stadium's floorplan;

(6) Have an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(7) Meet and be subject to all other private club requirements; and

(8) Use an age verification system approved by the commissioner.

(q) 'Private farmers market' means an applicant for a private club or licensed private club licensee that operates as an association

of bars, restaurants, retailers who sell West Virginia made products among other products, and other stores who open primarily during daytime hours of 6:00 a.m. to 6:00 p.m., but may operate in the day or evenings for special events where the sale of food and alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer may occur for on-premises consumption, such as reserved weddings, reserved dinners, pairing events, tasting events, reunions, conferences, meetings, or other special events and does not maintain daily or regular operating hours as a bar or restaurant, and all business that are members of the association have agreed in writing to be liable and responsible for all sales, service, furnishing, tendering and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer occurring on the entire licensed premises of the private farmer's market, including indoor and outdoor bounded areas, and further the applicant shall:

(1) Have at least 100 members;

(2) Have one or more members operating a private club restaurant and full kitchen with ovens, four-burner ranges, a refrigerator, or freezer (or some combination of the two), and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serves freshly prepared food at least 15 hours per week;

(3) Have one or more members operating who maintain, at any one time, \$1,000 of fresh food inventory capable of being prepared for events conducted at the private farmers market in the private club restaurant's full kitchen, and in calculating the food inventory the commissioner may not include television dinners, bags of chips or similar products, microwavable meals, frozen meals, prepackaged foods, or canned prepared foods;

(4) Have an association that owns or leases, controls, operates, and uses acreage amounting to more than one acre, which is contiguous acreage of bounded or fenced real property which would be listed on the licensee's floorplan and would be used for large contracted for reserved weddings, reserved dinners, pairing events, tasting events, reunions, conferences, meetings, or other special events;

(5) Have an association that lists in the application for licensure the entire property and all adjoining buildings and structures on the private farmers market's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private farmers market's licensed premises and as noted on the private farmers market's floorplan;

(6) Have an identified person, persons, or entity that has right, title, and ownership or lease interest in the real property buildings and structures located on the proposed licensed premises;

(7) Have at least two separate and unrelated vendors applying for the license and certifying that all vendors in the association have agreed to the liability, responsibility associated with a private farmers market license;

(8) Only use its employees, independent contractors, or volunteers to purchase, sell, furnish, or serve liquor, wine, nonintoxicating beer, or nonintoxicating craft beer;

(9) Provide adequate restroom facilities, whether permanent or portable, to serve the stated members and guests who will be attending the private farmers market;

(10) Provide a copy of a written agreement between all the vendors of the association that is executed by all vendors stating that each vendor is jointly and severally liable for any violations of this chapter committed during the event;

(11) Provide a security plan indicating all vendor points of service, entrances, and exits in order to verify members, patrons, and guests ages, whether a member, patron, or guest is intoxicated and to provide for the public health and safety of members, patrons, and guests;

(12) Use an age verification system approved by the commissioner; and

(13) Meet and be subject to all other private club requirements.

(r) ‘Private wedding venue or barn’ means an applicant for a private club or licensed private club licensee that is only open for reserved weddings, reunions, conferences, meetings, or other events and does not maintain daily or regular operating hours, and which:

(1) Has at least 25 members;

(2) Maintains a venue, facility, barn, or pavilion primarily used for weddings, reunions, conferences, meetings, or other events where parties must reserve or contract for the venue, facility, barn, or pavilion in advance of the event;

(3) Operates a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and is capable of serving freshly prepared food, or may engage a food caterer to provide adequate freshly prepared food or meals to serve its stated members, guests, and patrons who will be attending the event at the private wedding venue or barn. The applicant or licensee shall provide written documentation including a list of food caterers or written agreements regarding any food catering operations to the commissioner prior to approval of a food catering event;

(4) Owns or leases, controls, operates, and uses acreage amounting to at least two contiguous acres of bounded or fenced real property. The applicant or licensee shall verify that, the property is less than two acres and is remotely located, subject to the commissioner’s approval. The bounded or fenced real property may be listed on the private wedding venue’s floorplan and may be used for large events such as weddings, reunions, conferences, meetings, or other events;

(5) Lists the entire property from subdivision (4) of this subsection and all adjoining buildings and structures on the private wedding venue or barn’s floorplan that would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the

licensed premises whether these activities were conducted in a building or structure or outdoors while on the private wedding venue or barn's licensed premises and as noted on the private wedding venue or barn's floorplan;

(6) Has an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(7) Meets and is subject to all other private club requirements; and

(8) Uses an age verification system approved by the commissioner.

(s) 'Private multi-sport complex' means an applicant for a private club or licensed private club licensee that is open for multiple sports events to be played at the complex facilities, reserved weddings, concerts, reunions, conferences, meetings, or other special events, and which:

(1) Has at least 100 members;

(2) Maintains an open air multi-sport complex primarily for use for sporting events, such as baseball, soccer, basketball, tennis, frisbee, or other sports, but may also conduct weddings, concerts, reunions, conferences, meetings, or other events where parties must reserve the parts of the sports complex in advance of the sporting or other event;

(3) Operates a restaurant and full kitchen with ovens in the licensee's main facility, as determined by the commissioner, on the licensed premises and capable of serving freshly prepared food, or meals to serve its stated members, guests, and patrons who will be attending the event at the private professional sports stadium. A licensee may contract with temporary food vendors or food trucks for food sales only, but not on a permanent basis, in areas of the multi-sport complex not readily accessible by the main facility;

(4) Maintains, at any one time, \$1,000 of fresh food inventory capable of being prepared in the private multi-sport complex's full

kitchen. In calculating the food inventory, the commissioner may not include television dinners, bags of chips, or similar products, microwavable meals, frozen meals, prepackaged foods, or canned prepared foods;

(5) Owns or leases, controls, operates, and uses acreage amounting to at least 50 contiguous acres of bounded or fenced real property, as determined by the commissioner, which would be listed on the private multi-sport complex's floorplan and could be used for contracted for sporting events, group-type weddings, concerts, reunions, conferences, meetings, or other events;

(6) Lists the entire property from subdivision (5) of this subsection and all adjoining buildings and structures on the private multi-sport complex's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private multi-sport complex's licensed premises and as noted on the private multi-sport complex's floorplan. The licensee may sell alcoholic liquors from a golf cart or food truck owned or leased by the licensee and also operated by the licensee when the golf cart or food truck is located on the private multi-sport complex's licensed premises;

(7) Has an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(8) Meets and is subject to all other private club requirements; and

(9) Uses an age verification system approved by the commissioner.

The Department of Natural Resources, the authority governing any county or municipal park, or any county commission, municipality, other governmental entity, public corporation, or public authority operating any park or airport may lease, as lessor, a building or portion thereof or other limited premises in any such

park or airport to any corporation or unincorporated association for the establishment of a private club pursuant to this article.

§60-7-6. Annual license fee; partial fee; and reactivation fee.

(a) The annual license fee for a license issued under the provisions of this article to a fraternal or veterans' organization or a nonprofit social club ~~shall be~~ is \$750.

(b) The annual license fee for a license issued under the provisions of this article to a private club other than a private club of the type specified in subsection (a) of this section ~~shall be~~ is \$1,000 if the private club bar or restaurant has fewer than 1,000 members; \$1,000 for a private club restaurant to be licensed as a private caterer as defined in §60-7-2 of this code; \$1,500 if the private club is a private wedding venue or barn; \$2,000 if the private club is a private nine-hole golf course, private farmers market, private professional sports stadium, private multi-sport complex, private manufacturer club, or a private tennis club as defined in §60-7-2 of this code; \$2,500 if the private club bar or private club restaurant has 1,000 or more members; \$4,000 if the private club is a private hotel with three or fewer designated areas or a private golf club as defined in §60-7-2 of this code; and further, if the private club is a private resort hotel as defined in §60-7-2 of this code, ~~said the~~ private resort hotel may designate areas within the licensed premises for the lawful sale, service, and consumption of alcoholic liquors as provided for by this article. The annual license fee for a private resort hotel with five or fewer designated areas ~~shall be~~ is \$7,500 and the annual license fee for a private resort hotel with at least six, but no more than 10 designated areas ~~shall be~~ is \$12,500. The annual license fee for a private resort hotel with at least 11, but no more than 15 designated areas shall be \$17,500. The annual license fee for a private resort hotel with no fewer than 15 nor more than 20 designated areas ~~shall be~~ is \$22,500. ~~Provided, That a~~ Δ private resort hotel ~~having that~~ obtained the license and paid the \$22,500 annual license fee may, upon application to and approval of the commissioner, designate additional areas for a period not to exceed seven days for an additional fee of \$150 per day, per designated area.

(c) The fee for any ~~such~~ license issued following January 1 of any year ~~and to expire that expires~~ on June 30 of ~~such that~~ year ~~shall be~~ is one half of the annual license fee prescribed by subsections (a) and (b) of this section.

(d) A licensee that fails to complete a renewal application and make payment of its annual license fee in renewing its license on or before June 30 of any subsequent year, after initial application, shall be charged an additional \$150 reactivation fee. The fee payment may not be prorated or refunded, and the reactivation fee ~~must~~ shall be paid prior to the processing of any renewal application and payment of the applicable full year annual license fee. A licensee who continues to operate upon the expiration of its license is subject to all fines, penalties, and sanctions available in §60-7-13 and §60-7-13a of this code, all as determined by the commissioner.

(e) ~~All such fees shall be paid by the~~ The commissioner shall pay the fees to the State Treasurer and credited to the General Revenue Fund of the state.

(f) The Legislature finds that the hospitality industry has been particularly damaged by the COVID-19 pandemic and that some assistance is warranted to promote reopening and continued operation of private clubs and restaurants licensed under this article. Accordingly, the fees set forth in subsections (a) and (b) of this section are temporarily modified as follows;

(1) License fees for the license period beginning July 1, 2021, shall be reduced to one-third of the rate set forth in subsections (a) and (b) of this section;

(2) License fees for the license period beginning July 1, 2022, shall be two-thirds of the rate set forth in subsections (a) and (b) of this section; and

(3) License fees for the license period beginning July 1, 2023 and beyond, shall be as set forth in subsections (a) and (b) of this section.

§60-7-8b. One-day charitable rare, antique, or vintage liquor auction; licensee fee and application; license subject to provisions of article; exceptions.

(a) The commissioner may issue a special one-day, license to a licensed private club in partnership with one or more duly organized, federally approved nonprofit corporations, associations, organizations, or entities allowing the nonprofit to conduct a charitable auction of certain sealed bottles of rare, antique, or vintage liquor, as determined by the commissioner, on the private club licensee's licensed premises for off-premises consumption only, when raising money for athletic, charitable, educational, scientific, or religious purposes. A licensed private club may not receive more than 12 licenses under this section per year.

(b) 'Auction or auctioning', for the purposes of this section, means any silent, physical act, or verbal bid auction, where the auction requires in-person bidding at a licensed private club or online internet-based auction bidding, with bidders present at the licensed private club during the nonprofit auction, through a secure internet-based application or website.

(c) Requirements.-

(1) The licensed private club and nonprofit shall jointly complete an application, at least 15 days prior to the event. The application may require, but is not limited to, information relating to the date, time, place, floorplan of the charitable event, and any other information as the commissioner may require. The applicants shall include with the application a written signed and notarized statement that at least 80 percent of the net proceeds from the charitable event will be donated directly to the nonprofit. The commissioner may audit the licensed private club and nonprofit to verify the 80 percent requirement has been met.

(2) The licensed private club and nonprofit must be in good standing with the commissioner, and the applicants must receive the commissioner's approval prior to the charitable event.

(3) The licensed private club and nonprofit shall submit, and the commissioner shall review, the applicants' list of rare, antique, or vintage liquor, and the applicants shall submit documentation showing that the liquor was purchased from a licensed retail outlet in accordance with §60-3A-1 et seq. of this code with all taxes and fees paid. Any rare, antique, or vintage liquor with no documentation or that was not purchased in accordance with §60-3A-1 et seq. of this code, may be approved for auction, if all taxes and fees are paid to the commissioner in accordance with §60-3A-1 et seq. of this code. Any undocumented rare, antique, or vintage liquor approved for charitable auction by the commissioner must be labeled in the interest of public health and safety: 'Purchase and consume at your own risk, as the authenticity or source of manufacture of this bottle has not been verified'.

(4) The private club and nonprofit may not deliver, mail, or ship sealed or unsealed rare, antique, or vintage liquor bottles.

(5) The winning bidder of the auctioned rare, antique, or vintage liquor shall pay and receive the sealed rare, antique, or vintage liquor bottle before the conclusion of the event.

(6) The applicants shall pay a \$150 nonrefundable and nonprorated fee for the license.

(d) Exceptions. –

(1) A nonprofit's charitable auctioning of sealed rare, antique, or vintage liquor bottles, as determined by the commissioner, is permitted on the private club's licensed premises, notwithstanding the bingo, raffle, and lottery provisions of §47-20-10, §47-21-11, and §61-10-1 et seq. of this code, but in compliance with the auction requirements of §19-2c-1 et seq. of this code;

(2) The nonprofit, upon licensure by this section, is permitted a limited, one-time exception of the requirement to be a licensed retail outlet and hold a retail license issued pursuant to §60-3A-1 et seq. of this code to sell liquor; and

(3) The private club, upon licensure by this section, is provided a limited, one-time exception from §60-7-12(a)(1) and §60-6-8(6)

of this code, to permit the licensed nonprofit to sell at auction the sealed rare, antique, or vintage liquor bottles for off-premises consumption, to permit the carrying onto, the sale of, and the carrying off of the licensed premises the approved sealed liquor bottles. Any private club or nonprofit licensed pursuant to this code section are subject to all penalties for violations committed under §60-3A-1 et seq. of this code and §60-7-1 et seq. of this code.

§60-7-8c. Special license for a multi-vendor private fair and festival; license fee and application; license subject to provisions of article; exception.

(a) There is hereby created a special license designated Class S3 private multivendor fair and festival license for the retail sale of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer for on-premises consumption at an event where multiple vendors shall share liability and responsibility, and apply for this license. Each vendor may temporarily purchase, sell, furnish, or serve liquor, wine, nonintoxicating beer, and nonintoxicating craft beer as provided in this section.

(b) To be eligible for the license authorized by subsection (a) of this section, the private multivendor fair and festival or other event shall:

(1) Be sponsored, endorsed, or approved by the governing body or its designee of the county or municipality in which the private multivendor fair and festival or other event is located;

(2) Jointly apply to the commissioner for the special license at least 15 days prior to the private fair, festival, or other event;

(3) Pay a nonrefundable nonprorated license fee of \$500 per event that may be divided among all the vendors attending the event;

(4) Be approved by the commissioner to operate the private multivendor fair, festival, or other event;

(5) Be limited to no more than 15 consecutive days;

(6) Have at least two separate and unrelated vendors applying for the license and certifying that at least 100 members will be in attendance;

(7) Freshly prepare and provide food or meals, or engage a food vendor to prepare and provide adequate freshly prepared food or meals to serve its stated members and guests who will be attending the temporary festival, fair, or other event, and provide any written documentation or agreements of the food caterer to the commissioner prior to approval of the license;

(8) Only use its employees, independent contractors, or volunteers to purchase, sell, furnish, or serve liquor, wine, nonintoxicating beer, or nonintoxicating craft beer;

(9) Provide adequate restroom facilities, whether permanent or portable, to serve the stated members and guests who will be attending the private multi-vendor festival, fair, or other event;

(10) Provide an executed agreement between the vendors and/or food caterers stating that each vendor is jointly and severally liable for any improper acts or conduct committed during the multi-vendor festival or fair event;

(11) Provide a security plan indicating all vendor points of service, entrances, and exits in order to verify members', patrons', and guests' ages, and whether a member, patron, or guest is intoxicated, to provide for the public health and safety of members, patrons, and guests;

(12) Provide a floorplan for the proposed premises with one defined and bounded indoor and/or outdoor area to safely account for the ingress and egress of stated members, patrons, and guests who will be attending the festival, fair, or other event, and the floorplan that would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of liquor, wine, nonintoxicating beer, or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure, or outdoors while on the licensed premises and as noted on the floorplan;

(13) Meet and be subject to all other private club requirements; and

(14) Use an age verification system approved by the commissioner.

(c) Nonintoxicating beer and nonintoxicating craft beer sold, furnished, tendered, or served pursuant to the license created by this section shall be purchased from the licensed distributor that services the area in which the private multi-vendor fair and festival will be held or from a resident brewer acting in a limited capacity as a distributor, in accordance with §11-16-1 *et seq.* of this code.

(d) Wine sold, furnished, tendered, or served pursuant to the license created by this section shall be purchased from a licensed distributor, winery, or farm winery in accordance with §60-8-1 *et seq.* of this code.

(e) Liquor sold, furnished, tendered, or served pursuant to the license created by this section shall be purchased from a licensed retail liquor outlet in the market zone or contiguous market zone where the private multi-vendor fair or festival will be held, all in accordance with §60-3A-1 *et seq.* of this code.

(f) A licensee authorized by this section may use bona fide employees, independent contractors, or volunteers to sell, furnish, tender, or serve the liquor, wine, nonintoxicating beer, or nonintoxicating craft beer; *Provided*, That the licensee shall train all employees, independent contractors, or volunteers to verify legal identification and to verify signs of intoxication.

(g) Licensed representatives of a brewer, resident brewer, beer distributor, wine distributor, wine supplier, winery, farm winery, distillery, mini-distillery, micro-distillery, and liquor brokers may attend a private multi-vendor festival or fair and discuss their respective products but may not engage in the selling, furnishing, tendering, or serving of any liquor, wine, nonintoxicating beer, or nonintoxicating craft beer.

(h) A licensee licensed under this section is subject to all other provisions of this article and the rules and orders of the

commissioner: *Provided*, That the commissioner may, by rule or order, allow certain waivers or exceptions with respect to those provisions, rules, or orders as required by the circumstances of each private multi-vendor fair and festival. The commissioner may revoke or suspend immediately any license issued under this section prior to any notice or hearing, notwithstanding §60-7-13a of this code: *Provided, however*, That under no circumstances may the provisions of §60-7-12 of this code be waived or an exception granted with respect thereto.

§60-7-8d. Where private clubs may sell and serve alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer.

(a) With prior approval of the commissioner a private club licensee may sell, serve, and furnish alcoholic liquor and, if also licensed to sell, serve, and furnish nonintoxicating beer or nonintoxicating craft beer to be consumed on premises in a legally demarcated area which may include a temporary private outdoor dining area or temporary private outdoor street dining area. A temporary private outdoor street dining area shall be approved by the municipal government or county commission in which the licensee operates. The commissioner shall develop and make available an application form to facilitate the purposes of this subsection.

(b) The private club licensee shall submit to the commissioner: (1) the municipal or county approval of the private outdoor dining area or private outdoor street dining area; and, (2) a revised floorplan requesting to sell alcoholic liquors, and when licensed for nonintoxicating beer or nonintoxicating craft beer, then nonintoxicating beer or nonintoxicating craft beer, subject to the commissioner's requirements, in an approved and bounded outdoor area. The approved and bounded area need not be adjacent to the licensee's licensed premises, but in close proximity, for private outdoor street dining or private outdoor dining. For purposes of this subsection, 'close proximity' means an available area within 150 feet of a licensee's licensed premises and under the licensee's control and with right of ingress and egress.

(c) This private outdoor dining or private outdoor street dining may be operated in conjunction with a private wine outdoor dining or private wine outdoor street dining area set forth in §60-8-32a of this code and nonintoxicating beer or nonintoxicating craft beer outdoor dining or outdoor street dining set forth in §11-16-9 of this code.

(d) For purposes of this section, private outdoor dining and private outdoor street dining include dining areas that are:

(1) Outside and not served by an HVAC system for air handling services and use outside air;

(2) Open to the air; and

(3) Not enclosed by fixed or temporary walls; however, the commissioner may seasonally approve a partial enclosure with up to three temporary or fixed walls.

Any area where seating is incorporated inside a permanent building with ambient air through HVAC is not considered outdoor dining pursuant to this subsection.

(e) A private club restaurant or a private manufacturer club licensed for craft cocktail growler sales must provide food or a meal along with sealed craft cocktail growler sales as set forth in this article to a patron who is in-person or in-vehicle while picking up food or a meal, and a sealed craft cocktail growler order-to-go, subject to verification that the purchasing person is 21 years of age or older, and not visibly, or noticeably intoxicated, and as otherwise specified in this article.

§60-7-8e. Private club restaurant or private manufacturer club licensee's authority to sell craft cocktail growlers.

(a) *Legislative findings.* — The Legislature hereby finds that it is in the public interest to regulate, control, and support the brewing, manufacturing, distribution, sale, consumption, transportation, and storage of liquor and its industry in this state to protect the public health, welfare, and safety of the citizens of this state and promote hospitality and tourism. Therefore, this section

authorizes a licensed private club restaurant or private manufacturer club, to have certain abilities to promote the sale of liquor manufactured in this state for the benefit of the citizens of this state, the state's growing distilling industry, and the state's hospitality and tourism industry, all of which are vital components for the state's economy.

(b) *Sales of craft cocktail growlers.* — A licensed private club restaurant or private manufacturer club is authorized under a current and valid license and meets the requirements of this section may offer a craft cocktail growler in the ratio of up to one fluid ounce of liquor to four fluid ounces of nonalcoholic beverages or mixers, not to exceed 128 fluid ounces for the entire beverage in the craft cocktail growler, for retail sale to patrons from their licensed premises in a sealed craft cocktail growler for personal consumption only off of the licensed premises. Prior to the sale, the licensee shall verify in-person, using proper identification, that any patron purchasing the craft cocktail growler is 21 years of age or older and that the patron is not visibly or noticeably intoxicated. There shall be a \$100 non-prorated, non-refundable annual fee to sell craft cocktail growlers.

(c) *Retail sales.* — Every licensee licensed under this section shall comply with all the provisions of this chapter as applicable to retail sale of liquor at retail liquor outlets, comply with markup specified in §60-3A-17(e)(2) of this code when conducting sealed craft cocktail growler sales, and shall be subject to all applicable requirements and penalties in this article.

(d) *Payment of taxes.* — Every licensee licensed under this section shall pay all sales taxes required of retail liquor outlets, in addition to any other taxes required, and meet any applicable licensing provisions as required by this chapter and by rule of the commissioner.

(e) *Advertising.* — Every licensee licensed under this section may only advertise a particular brand or brands of liquor manufactured by a distillery, mini-distillery, or micro-distillery upon written approval from the distillery, mini-distillery, micro-

distillery, or an authorized and licensed broker to the licensee. Advertisements may not encourage intemperance or target minors.

(f) *Craft cocktail growler defined.* — For purposes of this chapter, ‘Craft Cocktail Growler’ means a container or jug that is made of glass, ceramic, metal, plastic, or other material approved by the commissioner, that may be no larger than 128 fluid ounces in size and must be capable of being securely sealed. The growler is utilized by an authorized licensee for purposes of off-premises sales only of liquor and a nonalcoholic mixer or beverage for personal consumption not on a licensed premise. Notwithstanding any other provision of this code to the contrary, a securely sealed craft cocktail growler is not an open container under state and local law. A craft cocktail growler with a broken seal is an open container under state and local law unless it is located in an area of the motor vehicle physically separated from the passenger compartment. A craft cocktail growler is not an original container of liquor, but once sanitized, filled, properly sealed, and sold, all as set forth in this article, is a sealed container.

(h) *Craft cocktail growler requirements.* — A licensee licensed under this section must prevent patrons from accessing the secure area where the filling of the craft cocktail occurs or to fill a craft cocktail growler. A licensee licensed under this section must sanitize, fill, securely seal, and label any craft cocktail growler prior to its sale. A licensee licensed under this section may refill a craft cocktail growler subject to the requirements of this section. A licensee licensed under this section shall visually inspect any craft cocktail growler before filling or refilling it. A licensee licensed under this section may not fill or refill any craft cocktail growler that appears to be cracked, broken, unsafe, or otherwise unfit to serve as a sealed beverage container. For purposes of this article, a secure sealing means using a tamper-evident seal, such as: (1) A plastic heat shrink wrap band, strip, or sleeve extending around the cap or lid of craft cocktail growler to form a seal that must be broken when the container is opened; or (2) A screw top cap or lid that breaks apart when the craft cocktail growler is opened.

(i) *Craft cocktail growler labeling.* — A licensee licensed under this section selling craft cocktail growlers shall affix a

conspicuous label on all sold and securely sealed craft cocktail growlers listing the name of the licensee selling the craft cocktail growler, the brand of the liquor in the craft cocktail growler, the type of craft cocktail or name of the craft cocktail, the alcohol content by volume of the liquor in the craft cocktail growler, and the date the craft cocktail growler was filled or refilled, and, all labeling on the craft cocktail growler shall be consistent with all federal labeling and warning requirements.

(j) *Craft cocktail growler sanitation.* — A licensee licensed under this section shall clean and sanitize all craft cocktail growlers he or she fills or refills in accordance with all state and county health requirements prior to its sealing. In addition, the licensee licensed under this section shall sanitize, in accordance with all state and county health requirements, all taps, tap lines, pipe lines, barrel tubes, and any other related equipment used to fill or refill craft cocktail growlers. Failure to comply with this subsection may result in penalties under this article; *Provided* That, if the reuse or refilling of a craft cocktail growler would violate federal law such craft cocktail growler must only be used one-time, for one filling, and be discarded after the one-time use.

(k) *Pre-mixing of craft cocktail.* - A licensee licensed under this section may pre-mix the nonalcoholic beverages or mixers in the advance of a craft cocktail growler purchase and sealing, and add the liquor, as set forth in this section, upon a member or guest's purchase of a craft cocktail growler. A licensee licensed under this section must dispose of any expired premixed nonalcoholic beverages or mixers pursuant to Bureau for Public Health requirements when such premixed nonalcoholic beverages or mixers are no longer fit for human consumption. A licensee authorized under §60-6-8(7) may use a premixed beverage meeting the requirements therein and is also subject to the requirements of this section for a craft cocktail growler.

(l) *Limitations on licensees.* — A licensee licensed under this section shall not sell craft cocktail growlers to other licensees, but only to its members and guests. A licensee licensed under this section must provide food or a meal along with one sealed craft cocktail growler to a patron who is in-person or in-vehicle while

picking up food or a meal, and a sealed craft cocktail growler order-to-go, subject to verification that the purchasing person is 21 years of age or older, and not visibly or noticeably intoxicated, and as otherwise specified in this article. A licensee licensed under this section may only sell one sealed craft cocktail growler to a patron who has not been consuming alcoholic liquors or nonintoxicating beer on its licensed premises or one craft cocktail growler per food or meal in the order delivered per §60-7-8f of this code. A licensee licensed under this section shall be subject to the applicable penalties under this article for violations of this article.

(m) Rules. — The commissioner, in consultation with the Bureau for Public Health, may to propose legislative rules concerning sanitation for legislative approval, pursuant to §29A-3-1 et seq. of this code, to implement the purposes of this section.

§60-7-8f. Private delivery license for a licensed private club restaurant, private manufacturer club, or a third party; requirements; limitations; third party license fee; private cocktail delivery permit; and requirements.

(a) A licensed private club restaurant or private manufacturer club licensed to sell liquor for on-premises consumption may apply for a private delivery license permitting the order, sale, and delivery of liquor and a nonalcoholic mixer or beverage in a sealed craft cocktail growler, when separately licensed for craft cocktail growler sales. The order, sale, and delivery of a sealed craft cocktail growler is permitted for off-premises consumption when completed by the licensee to a person purchasing the craft cocktail growler through a telephone, a mobile ordering application, or web-based software program, authorized by the licensee's license. There is no additional fee for a licensed private club restaurant or private manufacturer club to obtain a private delivery license. The order, sale, and delivery process shall meet the requirements of this section. The order, sale, and delivery process is subject to the penalties of this article.

(b) A third party, not licensed for liquor sales or distribution, may apply for a private delivery license for the privilege of ordering and delivery of craft cocktail growlers, from a licensee

with a craft cocktail growler license. The order and delivery of a sealed craft cocktail growler is permitted by a third party who obtains a license under this section when a private club restaurant or private manufacturer club sells to a person purchasing the sealed craft cocktail growler through telephone orders, a mobile ordering application, or a web-based software program. The private delivery license nonprorated, nonrefundable annual fee is \$200 for each third party entity, with no limit on the number of drivers and vehicles.

(c) The private delivery license application shall comply with licensure requirements in this article and shall require any information required by the commissioner: *Provided*, That the license application may not require a third party applicant to furnish information pursuant to §60-7-12 of this code.

(d) *Sale Requirements.* -

(1) The craft cocktail growler purchase shall accompany the purchase of prepared food or a meal and the completion of the sale may be accomplished by the delivery of the prepared food or a meal, and craft cocktail growler by the licensed private club restaurant, private manufacturer club, or third party private delivery licensee;

(2) Any purchasing person shall be 21 years of age or older, shall not be visibly or noticeably intoxicated at the time of delivery, and shall meet the requirements set forth in this chapter for the sale of alcoholic liquors and as set forth in §11-16-1 *et seq.* of the code for nonintoxicating beer or nonintoxicating craft beer.

(3) ‘Prepared food or a meal’ for this article, means food that has been cooked, grilled, fried, deep-fried, air-fried, smoked, boiled, broiled, twice baked, blanched, sautéed, or in any other manner freshly made and prepared, and does not include pre-packaged food from the manufacturer.

(4) An order, sale, and delivery may consist of multiple sealed craft cocktail growlers for each order of food or meal: *Provided*,

That the entire delivery order may not contain any combination of craft cocktail growlers of more than 128 fluid ounces total; and

(5) A third party private delivery licensee shall not have a pecuniary interest in a private club restaurant or private manufacturer club licensee, as set forth in this article. A third party private delivery licensee may only charge a convenience fee for the delivery of any alcohol. The third party private delivery licensee may not collect a percentage of the delivery order for the delivery of alcohol, but may continue to collect a percentage of the delivery order directly related to the prepared food or a meal. The convenience fee charged by the third-party private delivery licensee to the purchasing person shall be no greater than five dollars per delivery order where a craft cocktail growler is ordered by the purchasing person. For any third party licensee also licensed for wine growler delivery as set forth in §60-8-6c of the code, or nonintoxicating beer or nonintoxicating craft beer growler delivery as set forth in §11-16-6d of the code, the total convenience fee of any order, sale, and delivery of a sealed growler, wine growler, or craft cocktail growler shall not exceed five dollars.

(e) *Craft Cocktail Growler Delivery Requirements.* -

(1) Delivery persons employed for the delivery of a sealed craft cocktail growler shall be 21 years of age or older. The licensed private club restaurant, private manufacturer club, or third party private delivery licensee shall file each delivery person's name, driver's license, and vehicle information with the commissioner;

(2) The licensed private club restaurant, private manufacturer club, or third party private delivery licensee shall train delivery persons on verifying legal identification and in identifying the signs of intoxication. The licensee shall submit certification of the training to the commissioner;

(3) The third party delivery licensee or the private club restaurant or private manufacturing club shall hold a private cocktail delivery permit for each vehicle delivering a craft cocktail growler pursuant to subsection (g) of this section: *Provided, That*

a delivery driver may retain an electronic copy of his or her permit as proof of licensure.

(4) Prepared food or a meal, and a sealed craft cocktail growler order delivered by a third party private delivery licensee, a private club restaurant, or private manufacturer club may occur in the county or contiguous counties where the licensed private club restaurant or private manufacturer club is located;

(5) The licensed private club restaurant, private manufacturer club, or third party private delivery licensee may only deliver prepared food or a meal, and a sealed craft cocktail growler to addresses located in West Virginia. The licensed private club restaurant, private manufacturer club, or third party private delivery licensee shall account for and pay all sales and municipal taxes;

(6) The licensed private club restaurant, private manufacturer club, or third party private delivery licensee may not deliver prepared food or a meal, and a sealed craft cocktail growler to any other licensee;

(7) Deliveries of prepared food or a meal, and a sealed craft cocktail growler are only for personal use, and not for resale; and

(8) The licensed private club restaurant, private manufacturer club, or third party private delivery licensee shall not deliver and leave the prepared food or a meal, and a sealed craft cocktail growler at any address without verifying a person's age and identification as required by this section.

(f) Telephone, mobile ordering application, or web-based software requirements. -

(1) The delivery person may only permit the person who placed the order through a telephone order, a mobile ordering application, or web-based software to accept the prepared food or meal and a craft cocktail growler delivery, subject to age verification upon delivery with the delivery person's visual review and age verification and, as application, a stored scanned image of the purchasing person's legal identification;

(2) Any mobile ordering application or web-based software used shall create a stored record and image of the purchasing person's legal identification and details of the sale, accessible by the delivery driver for verification, and shall include the delivery driver's name and vehicle information;

(3) Any telephone ordering system shall maintain a log or record of the purchasing person's legal identification and details of the sale, accessible by the delivery driver for verification, and shall include the delivery driver's name and vehicle information;

(4) All records are subject to inspection by the commissioner. The licensed private club restaurant, private manufacturer club, or third party private delivery licensee shall retain records for three years, and may not unreasonably withhold the records from the commissioner's inspection; and

(5) The third party private delivery licensee or the private club restaurant or private manufacturing club shall hold a valid private cocktail delivery permit under subsection (g) of this section for each vehicle used for delivery: *Provided*, That a delivery driver may retain an electronic copy of his or her permit as proof of licensure.

(g) *Private Cocktail Delivery Permit.* -

(1) The licensed private club restaurant, private manufacturer club, or third party private delivery licensee shall obtain and maintain a retail transportation permit for the delivery of prepared food and a sealed craft cocktail growler, subject to the requirements of this article.

(2) A third party private delivery licensee, a private club restaurant, or private manufacturer club licensee shall provide vehicle and driver information, requested by the commissioner. Upon any change in vehicles or drivers, the licensee shall update the driver and vehicle information with the commissioner within 10 days of the change.

(3) In conjunction with §60-6-12 of this code, a private cocktail delivery permit shall meet the requirements of a transportation

permit authorizing the permit holder to transport liquor subject to the requirements of this chapter.

(h) Enforcement. -

(1) The third party private delivery licensee, the private club restaurant, or the private manufacturers club licensed by this section are responsible for any violations committed by their employees or independent contractors under this article, and more than one violation may be issued for a single violation involving multiple licensees, employees, or independent contractors.

(2) Any license or permit granted by this section is subject to the penalties of probation, monetary fines, suspension, and revocation, as set forth in this article, for violations committed by the licensee, its employees, or independent contractors.

(3) It is a violation for any licensee, its employees, or independent contractors to break the seal of a craft cocktail growler. The licensees in violation are subject to the maximum penalties available in this article.

(4) For purposes of criminal enforcement of the provisions of this article, persons ordering, purchasing, and accepting delivery of orders are considered to be purchasers.

§60-7-12. Certain acts of licensee prohibited; criminal penalties.

(a) It is unlawful for any licensee, or agent, employee, or member thereof, on such licensee's premises to:

(1) Sell, offer for sale, tender, or serve any alcoholic liquors other than by the drink poured from the original package or container, except as authorized in §60-6-8 of this code;

(2) Authorize or permit any disturbance of the peace, obscene, lewd, immoral, or improper entertainment, conduct, or practice, gambling or any slot machine, multiple coin console machine, multiple coin console slot machine, or device in the nature of a slot machine; however, various games, gaming, and wagering

conducted by duly licensed persons of the West Virginia State Lottery Commission, charitable bingo games conducted by a duly licensed charitable or public service organization (or its auxiliaries), pursuant to §47-20-1 *et seq.* of this code, and charitable raffle games conducted by a duly licensed charitable or public service organization (or its auxiliaries), pursuant to §47-21-1 *et seq.* of this code, all of which are permissible on a licensee's licensed premises when operated in accordance with this code, ~~rules, and regulations: *Provided, That a*~~ and rules promulgated thereunder. A private resort hotel holding a license issued pursuant to §60-7-1 *et seq.* of this code, may sell, tender, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on the premises licensed under §29-22A-1 *et seq.* and §29-22C-1 *et seq.*, or §29-25-1 *et seq.* of this code, during hours of operation authorized by §29-22A-1 *et seq.* and §29-22C-1 *et seq.*, or §29-25-1 *et seq.* of this code;

(3) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating beer, wine, or alcoholic liquors for or to, or permit the consumption of nonintoxicating beer, wine, or alcoholic liquors on the licensee's premises, by any person less than 21 years of age;

(4) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating beer, wine, or alcoholic liquors, for or to any person known to be ~~deemed~~ considered legally incompetent, or for or to any person who is physically incapacitated due to consumption of nonintoxicating beer, wine or alcoholic liquor or the use of drugs;

(5) Sell, give, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on any licensed premises, or in any rooms directly connected therewith between the hours of 3:00 a.m. and 7:00 ~~6:00~~ a.m. on weekdays, ~~or Saturdays, and Sundays, between~~ the hours of 3:00 a.m. and 10:00 a.m. on any Sunday or, between the hours of 3:00 a.m. and 1:00 p.m. in any county upon approval as provided for in §7-1-3ss of this code, on any Sunday; and

(6) Permit the consumption by, or serve to, on the licensed premises any nonintoxicating beer, wine, or alcoholic liquors,

covered by this article, to any person who is less than 21 years of age;

(7) With the intent to defraud, alter, change, or misrepresent the quality, quantity, or brand name of any alcoholic liquor;

(8) Sell or offer for sale any alcoholic liquor to any person who is not a duly elected or approved dues-paying member in good standing of ~~said~~ the private club or a guest of ~~such~~ the member;

(9) Sell, offer for sale, give away, facilitate the use of or allow the use of carbon dioxide, cyclopropane, ethylene, helium, or nitrous oxide for purposes of human consumption, except as authorized by the commissioner;

(10)(A) Employ any person who is less than ~~18~~ 16 years of age in a position where the primary responsibility for such employment is to sell, furnish, tender, serve, or give nonintoxicating beer, wine, or alcoholic liquors to any person;

(B) Employ any person who is ~~between the ages of 18~~ 16 years of age and younger than 21 years of age who is not directly supervised by a person aged 21 or over in a position where the primary responsibility for such employment is to sell, furnish, tender, serve or give nonintoxicating beer, wine, or alcoholic liquors to any person; or

(11) Violate any reasonable rule of the commissioner.

(b) It is lawful for any licensee to advertise price and brand in any news media or other means, outside of the licensee's premises.

(c) Any person who violates any of the ~~foregoing~~ provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000, or imprisoned in jail for a period not to exceed one year, or both fined and imprisoned.

ARTICLE 8. SALE OF WINES.

§60-8-2. Definitions.

Unless the context in which used clearly requires a different meaning, as used in this article:

‘Commissioner’ or ‘commission’ means the West Virginia Alcohol Beverage Control Commissioner.

‘Distributor’ means any person whose principal place of business is within the State of West Virginia who makes purchases from a supplier to sell or distribute wine to retailers, grocery stores, private wine bed and breakfasts, private wine restaurants, private wine spas, private clubs, or wine specialty shops and that sells or distributes nonfortified dessert wine, port, sherry and Madeira wines to wine specialty shops, private wine restaurants, private clubs, or retailers under authority of this article and maintains a warehouse in this state for the distribution of wine. For the purpose of a distributor only, the term ‘person’ means and includes an individual, firm, trust, partnership, limited partnership, limited liability company, association, or corporation. Any trust licensed as a distributor or any trust that is an owner of a distributor licensee, and the trustee or other persons in active control of the activities of the trust relating to the distributor license, is liable for acts of the trust or its beneficiaries relating to the distributor license that are unlawful acts or violations of this article, notwithstanding the liability of trustees in §44D-10-1 *et seq.* of this code.

‘Fortified wine’ means any wine to which brandy or other alcohol has been added where the alcohol content by volume does not exceed 24 percent, and shall include includes nonfortified dessert wines which are not fortified having an alcohol content by volume of at least fourteen and one tenths percent and not exceeding sixteen percent where the alcohol content by volume is greater than 17 percent and does not exceed 24 percent.

‘Grocery store’ means any retail establishment, commonly known as a grocery store, supermarket, delicatessen, caterer, or party supply store, where food, food products, and supplies for the table are sold for consumption off the premises with average monthly sales (exclusive of sales of wine) of not less than \$500 and an average monthly inventory (exclusive of inventory of wine) of not less than \$500 ~~\$3,000~~. The term ‘grocery store’ ~~shall also~~

~~include and mean~~ also includes and means a separate and segregated portion of any other retail store which is dedicated solely to the sale of food, food products, and supplies for the table for consumption off the premises with average monthly sales with respect to ~~such~~ the separate or segregated portion (exclusive of sales of wine) of not less than ~~\$3,000~~ \$500 and an average monthly inventory (exclusive of inventory of wine) of not less than ~~\$3,000~~ \$500.

'Hard Cider' means a type of wine that is derived primarily from the fermentation of apples, pears, peaches, honey, or another fruit, or from apple, pear, peach, or another fruit juice concentrate and water; contains no more than 0.64 grams of carbon dioxide per 100 milliliters; contains at least one half of one percent and less than 12 and one half percent alcohol by volume; and is advertised, labeled, offered for sale, or sold, as hard cider or cider containing alcohol, and not as wine, wine product, or as a substitute for wine.

'Hard Cider Distributor' means any person whose principal place of business is within the State of West Virginia who makes purchases from a supplier to sell or distribute hard cider (but not other types of wine) to retailers, grocery stores, private wine bed and breakfasts, private wine restaurants, private wine spas, private clubs, or wine specialty shops under authority of this code and maintains a warehouse in this state for the distribution of hard cider (but not other types of wine). For the purpose of a hard cider distributor, the term 'person' means and includes an individual, firm, trust, partnership, limited partnership, limited liability company, association, or corporation. Any trust licensed as a distributor or any trust that is an owner of a distributor licensee, and the trustee, or any other person or persons in active control of the activities of the trust relating to the distributor license, is liable for acts of the trust or its beneficiaries relating to the distributor license that are unlawful acts or violations of this article, notwithstanding the liability of trustees in §44D-10-1 *et seq.* of this code.

'Licensee' means the holder of a license granted under the provisions of this article.

‘Nonfortified dessert wine’ means a wine that is a dessert wine to which brandy or other alcohol has not been added, and which has an alcohol content by volume of at least 14.1 percent and less than or equal to 17 percent.

‘Person’ means and includes an individual, firm, partnership, limited partnership, limited liability company, association, or corporation.

‘Private wine bed and breakfast’ means any business with the sole purpose of providing, in a residential or country setting, a hotel, motel, inn, or other such establishment properly zoned as to its municipality or local ordinances, lodging and meals to its customers in the course of their stay at the establishment, which business also: (1) Is a partnership, limited partnership, corporation, unincorporated association, or other business entity which as part of its general business purpose provides meals on its premises to its members and their guests; (2) is licensed under the provisions of this article as to all of its premises or as to a separate segregated portion of its premises to serve wine to its members and their guests when ~~such~~ the sale accompanies the serving of food or meals; and (3) admits only duly elected and approved dues-paying members and their guests while in the company of a member and does not admit the general public.

‘Private wine restaurant’ means a restaurant which: (1) Is a partnership, limited partnership, corporation, unincorporated association, or other business entity which has, as its principal purpose, the business of serving meals on its premises to its members and their guests; (2) is licensed under the provisions of this article as to all of its premises or as to a separate segregated portion of its premises to serve wine to its members and their guests when ~~such~~ the sale accompanies the serving of food or meals; and (3) admits only duly elected and approved dues-paying members and their guests while in the company of a member and does not admit the general public. ~~Such~~ Private clubs that meet the private wine restaurant requirements numbered (1), (2), and (3) in this definition shall be considered private wine restaurants: Provided, That, a private wine restaurant shall have at least two restrooms: Provided, however, That the two restroom requirement may be

waived by a written waiver provided from a local health department to the commissioner: *Provided, further,* That a private wine restaurant located in an historic building may also be relieved of the two restroom requirement if a historic association or district with jurisdiction over a historic building provides a written waiver of the requirement to the commissioner: *And Provided, further,* That in no event shall a private wine restaurant have less than one restroom.

Private wine spa' means any business with the sole purpose of providing commercial facilities devoted especially to health, fitness, weight loss, beauty, therapeutic services, and relaxation, and may ~~be also~~ also be a licensed massage parlor or a salon with licensed beauticians or stylists, which business also: (1) Is a partnership, limited partnership, corporation, unincorporated association, or other business entity which as part of its general business purpose provides meals on its premises to its members and their guests; (2) is licensed under the provisions of this article as to all of its premises or as to a separate segregated portion of its premises to serve up to two glasses of wine to its members and their guests when ~~such~~ the sale accompanies the serving of food or meals; and (3) admits only duly elected and approved dues-paying members and their guests while in the company of a member, and does not admit the general public.

'Retailer' means any person licensed to sell wine at retail to the public at his or her established place of business for off-premises consumption and who is licensed to do so under authority of this article.

'Supplier' means any manufacturer, producer, processor, winery, farm winery, national distributor, or other supplier of wine who sells or offers to sell or solicits or negotiates the sale of wine to any licensed West Virginia distributor.

'Table wine' means a wine with an alcohol content by volume between 0.5 percent and 14 percent.

'Tax' includes within its meaning interest, additions to tax, and penalties.

‘Taxpayer’ means any person liable for any tax, interest, additions to tax, or penalty under the provisions of this article, and any person claiming a refund of tax.

‘Varietal wine’ means any wine labeled according to the grape variety from which ~~such~~ the wine is made.

‘Vintage wine’ or ‘vintage-dated wine’ means wines from which the grapes used to produce ~~such~~ the wine are harvested during a particular year, or wines produced from the grapes of a particular harvest in a particular region of production.

‘Wine’ means any alcoholic beverage obtained by the natural fermentation of the natural content of grapes, other fruits, or honey or other agricultural products containing sugar ~~and~~ to which no alcohol has been added and ~~shall exclude fortified wine and shall also exclude any product defined as or embraced within the definition of nonintoxicating beer under the provisions of article sixteen, chapter eleven of this code~~ includes table wine, hard cider, nonfortified dessert wine, wine coolers, and other similar wine-based beverages. Fortified wine and any product defined as or contained within the definition of nonintoxicating beer under the provisions of §11-16-1 et seq., of this code are excluded from this definition of wine.

‘Wine specialty shop’ means a retailer who ~~shall deal~~ deals principally in the sale of table wine, nonfortified dessert wines, wine accessories, and food or foodstuffs normally associated with wine and: (1) Who ~~shall maintain~~ maintains a representative number of ~~such~~ wines for sale in his or her inventory which are designated by label as varietal wine, vintage, generic, and/or according to region of production and the inventory shall contain not less than 15 percent vintage or vintage-dated wine by actual bottle count; and (2) who, any other provisions of this code to the contrary notwithstanding, may maintain an inventory of port, sherry, and Madeira wines having an alcoholic content of not more than 22 percent alcohol by volume and which have been matured in wooden barrels or casks. All wine available for sale shall be for off-premises consumption except where wine tasting or wine sampling is separately authorized by this code.

§60-8-3. Licenses; fees; general restrictions.

(a) No person may engage in business in the capacity of a winery, farm winery, supplier, distributor, retailer, private wine bed and breakfast, private wine restaurant, private wine spa, or wine specialty shop without first obtaining a license from the commissioner, nor shall a person continue to engage in any activity after his or her license has expired, been suspended, or revoked. No person may be licensed simultaneously as a distributor and a retailer. No person, except for a winery or farm winery, may be licensed simultaneously as a supplier and a retailer. No person may be licensed simultaneously as a supplier and a private wine bed and breakfast, private wine restaurant, or a private wine spa. No person may be licensed simultaneously as a distributor and a private wine bed and breakfast, a private wine restaurant, or a private wine spa. No person may be licensed simultaneously as a retailer and a private wine bed and breakfast, a private wine restaurant, or a private wine spa. Any person who is licensed to engage in any business concerning the manufacture, sale, or distribution of wine may also engage in the manufacture, sale, or distribution of hard cider without obtaining a separate hard cider license.

(b) The commissioner shall collect an annual fee for licenses issued under this article as follows:

(1) One hundred fifty dollars per year for a supplier's license;

(2) Two thousand five hundred dollars per year for a distributor's license and each separate warehouse or other facility from which a distributor sells, transfers, or delivers wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of \$2,500 as provided in this subdivision;

(3) One hundred fifty dollars per year for a retailer's license;

(4) Two hundred fifty dollars per year for a wine specialty shop license, in addition to any other licensing fees paid by a winery or retailer holding a license. Except for the amount of the license fee and the restriction to sales of winery or farm winery wines, a

winery, or farm winery acting as a wine specialty shop retailer is subject to all other provisions of this article which are applicable to a wine specialty shop retailer as defined in §60-8-2 of this code;

(5) One hundred fifty dollars per year for a wine tasting license;

(6) One hundred fifty dollars per year for a private wine bed and breakfast license. Each separate bed and breakfast from which a licensee sells wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of \$150 as provided in this subdivision;

(7) Two hundred fifty dollars per year for a private wine restaurant license. Each separate restaurant from which a licensee sells wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of \$250 as provided in this subdivision;

(8) One hundred fifty dollars per year for a private wine spa license. Each separate private wine spa from which a licensee sells wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of \$150 as provided in this subdivision;

(9) One hundred fifty dollars per year for a wine sampling license issued for a wine specialty shop under subsection (n) of this section;

(10) ~~No fee shall be charged~~ for a special one-day license under subsection (p) of this section or for a heritage fair and festival license under subsection (q) of this section;

(11) \$150 per year for a direct shipper's license for a licensee who sells and ships only wine and \$250 per year for a direct shipper's license who ships and sells wine, nonfortified dessert wine, port, sherry, or Madeira wines; ~~and~~

(12) Three hundred fifty dollars per year for a multi-capacity winery or farm winery license which enables the holder to operate as a retailer, wine specialty shop, supplier, and direct shipper without obtaining an individual license for each capacity; and

(13) Two hundred fifty dollars per year for a hard cider distributor's license. Each separate warehouse or other facility from which a distributor sells, transfers, or delivers hard cider shall be separately licensed and there shall be collected with respect to each location the annual license fee of \$250 as provided in this subdivision: *Provided*, That if a licensee is licensed as a nonintoxicating beer or nonintoxicating beer distributor then there is no additional license fee to distribute hard cider.

(c) The license period begins on July 1 of each year and ends on June 30 of the following year and if granted for a less period, the same shall be computed semiannually in proportion to the remainder of the fiscal year.

(d) No retailer may be licensed as a private club as provided by §60-7-1 *et seq.* of this code, except as provided by subsection (k) of this section.

(e) No retailer may be licensed as a Class A retail dealer in nonintoxicating beer as provided by §11-16-1 *et seq.* of this code: *Provided*, That a delicatessen, a caterer, or party supply store which is a grocery store as defined in §60-8-2 of this code and which is licensed as a Class A retail dealer in nonintoxicating beer may be a retailer under this article: *Provided, however*, That any delicatessen, caterer, or party supply store licensed in both capacities ~~must~~ shall maintain average monthly sales exclusive of sales of wine and nonintoxicating beer which exceed the average monthly sales of nonintoxicating beer.

(f) A wine specialty shop under this article may also hold a wine tasting license authorizing the retailer to serve complimentary samples of wine in moderate quantities for tasting. ~~Such~~ The wine specialty shop shall organize a wine taster's club, which has at least 50 duly elected or approved dues-paying members in good standing. ~~Such~~ The club shall meet on the wine specialty shop's premises not more than one time per week and shall either meet at a time when the premises are closed to the general public or ~~shall~~ meet in a separate segregated facility on the premises to which the general public is not admitted. Attendance at tastings shall be

limited to duly elected or approved dues-paying members and their guests.

(g) A retailer who has more than one place of retail business shall obtain a license for each separate retail establishment. A retailer's license may be issued only to the proprietor or owner of a bona fide grocery store or wine specialty shop.

(h)(1) The commissioner may issue a license for the retail sale of wine at any festival or fair which is endorsed or sponsored by the governing body of a municipality or a county commission. ~~Such~~ The license shall be issued for a term of no longer than 10 consecutive days and the fee for the license ~~shall be~~ is \$250 regardless of the term of the license. The application for the license shall contain information required by the commissioner and shall be submitted to the commissioner at least 30 days prior to the first day when wine is to be sold at the festival or fair.

(2) Notwithstanding subdivision (1) of this subsection, if the applicant for the festival or fair license is the manufacturer of ~~said~~ the wine, a winery, or a farm winery as defined in §60-1-5a of this code, and the event is located on the premises of a winery or a farm winery, then the license fee is \$50 per festival or fair.

(3) A licensed winery or a farm winery, which has the festival or fair licensee's written authorization and approval from the commissioner, may, in addition to or in conjunction with the festival and fair licensee, exhibit, conduct complimentary tastings, or sell samples not to exceed three, two-fluid ounce, tastings or samples per patron, for consumption on the premises during the operation of a festival or fair only; and may sell wine for off-premises consumption only: *Provided*, That for licensed wineries or farm wineries at a licensed festival or fair the tastings, samples and off-premises sales shall occur under the hours of operation as required in this article, except on Sunday, tastings, samples, and off-premises sales are unlawful between the hours of 2:00 a.m. and ~~10:00~~ 6:00 a.m.

(4) A festival or fair license may be issued to a 'wine club' as defined in this subdivision for a license fee of \$250. The festival or

fair committee or the governing body shall designate a person to organize a club under a name which includes the name of the festival or fair and the words 'wine club'. The license shall be issued in the name of the wine club. A licensee ~~may not commence the sale of~~ sell wine as provided in this subdivision until the wine club has at least 50 dues-paying members who have been enrolled, and to whom membership cards have been issued. Thereafter, new members may be enrolled and issued membership cards at any time during the period for which the license is issued. A wine club licensed under the provisions of this subdivision may sell wine only to its members, and in portions not to exceed eight ounces per serving. The sales shall take place on premises or in an area cordoned or segregated so as to be closed to the general public, and the general public shall not be admitted to the premises or area. A wine club licensee under the provisions of this subdivision may serve complimentary samples of wine in moderate quantities for tasting. A wine club may not make wine purchases from a direct shipper where the wine may be consumed on the licensed premises of any Class A private wine retail license or private club. A wine club which violates the provisions of this subdivision is subject to the penalties in this article.

(5) A licensed winery or farm winery approved to participate in a festival or fair under the provisions of this section and the licensee holding the license, or the licensed winery or farm winery approved to attend a licensed festival or fair, is subject to all other provisions of this article and the rules and orders of the commissioner relating to the license: *Provided*, That the commissioner may by rule or order provide for certain waivers or exceptions with respect to the provisions, rules, or orders ~~as required by~~ the circumstances of each festival or fair ~~may require~~, including, without limitation, the right to revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding the provisions §60-8-27 and §60-8-28 of this code: *Provided, however*, That under no circumstances shall the provisions of §60-8-20(c) or §60-8-20(d) of this code, be waived nor shall any exception be granted with respect to those subsections.

(6) A license issued under the provisions of this section and the licensee holding the license are not subject to the provisions of subsection (g) of this section.

(7) An unlicensed winery temporarily licensed and meeting the requirements set forth in subsection (q) of this section may conduct the same sampling and sales set forth in subsection (q) of this section at a licensed fair and festival upon approval of the licensee holding the fair and festival license and temporary and limited licensure by the commissioner. An unlicensed winery ~~shall be~~ is subject to the same limits, fees, requirements, restrictions and penalties set forth in subsection (q) of this section: *Provided*, That the commissioner may by rule or order provide for certain waivers or exceptions with respect to the provisions, rules, or orders ~~as required by~~ the circumstances of each festival or fair. ~~may require, including, without limitation, the right to~~ The commissioner may revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding the provisions §60-8-27 and §60-8-28 of this code: *Provided, however*, That under no circumstances shall the provisions of §60-8-20(c) or §60-8-20(d) of this code be waived nor shall any exception be granted with respect to those subsections.

(i)(1) The commissioner may issue a special license for the retail sale of wine in a professional baseball stadium. A license to sell wine granted pursuant to this subsection entitles the licensee to sell and serve wine, for consumption in a professional baseball stadium. For the purpose of this subsection, 'professional baseball stadium' means a facility constructed primarily for the use of a major or minor league baseball franchisee affiliated with the National Association of Professional Baseball Leagues, Inc., or its successor, and used as a major or minor league baseball park. Any special license issued pursuant to this subsection shall be for a term beginning on the date of issuance and ending on the next following June 30, and its fee is \$250 regardless of the length of the term of the license. The application for the special license shall contain information required by the commissioner and must be submitted to the commissioner at least 30 days prior to the first day when wine is to be sold at the professional baseball stadium. The special

license may be issued in the name of the baseball franchisee or the name of the primary food and beverage vendor under contract with the baseball franchisee. These sales must take place within the confines of the professional baseball stadium. The exterior of the area where wine sales may occur ~~must~~ shall be surrounded by a fence or other barrier prohibiting entry except upon the franchisee's express permission, and under the conditions and restrictions established by the franchisee, so that the wine sales area is closed to free and unrestricted entry by the general public.

(2) A license issued under this subsection and the licensee holding the license are subject to all other provisions of this article and the rules and orders of the commissioner relating to the special license: *Provided*, That the commissioner may by rule or order grant certain waivers or exceptions to those rules or orders as required by the circumstances of each professional baseball stadium ~~may require, including, without limitation, the right to~~ The commissioner may revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding §60-8-27 and §60-8-28 of this code; ~~and~~ *Provided, however*, That under no circumstances may §60-8-20(c) or §60-8-20(d) of this code be waived nor shall any exception be granted concerning those subsections.

(3) The commissioner may propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to implement this subsection.

(j) A license to sell wine granted to a private wine bed and breakfast, private wine restaurant, private wine spa, or a private club under the provisions of this article entitles the operator to sell and serve wine, for consumption on the premises of the licensee, when the sale accompanies the serving of food or a meal to its members and their guests in accordance with the provisions of this article: *Provided*, That a licensed private wine bed and breakfast, private wine restaurant, private wine spa, or a private club may permit a person over 21 years of age to purchase wine, consume wine, and recork or reseal, using a tamper resistant cork or seal, up to two separate bottles of unconsumed wine in conjunction with the serving of food or a meal to its members and their guests in

accordance with the provisions of this article and in accordance with rules promulgated by the commissioner for the purpose of consumption of ~~said~~ the wine off premises: *Provided, however,* ~~That for this article, food or a meal provided by the private licensee means that the total food purchase, excluding beverage purchases, taxes, gratuity, or other fees is at least \$15: *Provided further,* That a licensed private wine restaurant or a private club may offer for sale, for consumption off the premises, sealed bottles of wine to its customers provided that no more than one bottle is sold per each person over 21 years of age, as verified by the private wine restaurant or private club, for consumption off the premises. ~~Such~~ The licensees ~~are authorized to~~ may keep and maintain on their premises a supply of wine in quantities appropriate for the conduct of operations thereof. Any sale of wine is subject to all restrictions set forth in §60-8-20 of this code. A private wine restaurant may also be licensed as a Class A retail dealer in nonintoxicating beer as provided by §11-16-1 *et seq.* of this code.~~

(k) With respect to subsections (h), (i), (j), (o), and (p) of this section, the commissioner shall propose rules for promulgation in accordance with §29A-1-1 *et seq.* of this code, including, but not limited to, the form of the applications and the suitability of both the applicant and location of the licensed premises.

(l) The commissioner shall propose rules for promulgation in accordance with the provisions of §29A-1-1 *et seq.* of this code to allow restaurants to serve wine with meals and to sell wine by the bottle for off-premises consumption as provided in subsection (j) of this section. Each licensed restaurant shall be charged an additional \$100 per year fee.

(m) The commissioner shall establish guidelines to permit wines to be sold in all stores licensed for retail sales.

(n) Wineries and farm wineries may advertise off premises as provided in §17-22-7 of this code.

(o) A wine specialty shop under this article may also hold a wine sampling license authorizing the wine specialty shop to conduct special wine sampling events at a licensed wine specialty

shop location during regular hours of business. The wine specialty shop may serve up to three complimentary samples of wine, consisting of no more than two fluid ounces each, to any one consumer in one day. Persons serving the complimentary samples ~~must~~ shall be 21 years of age or older and an authorized representative of the licensed wine specialty shop, winery, farm winery, or a representative of a distributor or registered supplier. Distributor and supplier representatives attending wine sampling events ~~must be registered~~ shall register with the commissioner. No licensee, employee, or representative may furnish, give, sell, or serve complimentary samples of wine to any person less than 21 years of age or to a person who is physically incapacitated due to the consumption of alcoholic liquor or the use of drugs. The wine specialty shop shall notify and secure permission from the commissioner for all wine sampling events ~~one month~~ 30 days prior to the event. Wine sampling events may not exceed six hours per calendar day. Licensees ~~must~~ shall purchase all wines used during these events from a licensed farm winery or a licensed distributor.

(p) The commissioner may issue special one-day licenses to duly organized, nonprofit corporations and associations allowing the sale and serving of wine, and may, if applicable, also allow the charitable auctioning of certain sealed bottles of wine for off-premises consumption only, when raising money for athletic, charitable, educational, or religious purposes. ‘Auction or auctioning’, for the purposes of this subsection, means any silent, physical act, or verbal bid auction, whether or not ~~such~~ the auction requires in-presence bidding or online Internet-based electronic bidding through a secure application or website, but shall not include any action in violation of §47-20-10, §47-20-11, or §61-10-1 *et seq.* of this code. The license application shall contain information required by the commissioner and shall be submitted to the commissioner at least 30 days prior to the event. Accompanying the license application, the applicant shall submit a signed and notarized statement that at least 80 percent of the net proceeds from the charitable event will be donated directly to the nonprofit corporation or organization. Wines used during these events may be donated by, or purchased from, a licensed retailer, a

distributor, winery, or a farm winery. A licensed winery or farm winery which is authorized in writing by a representative of the duly organized, nonprofit corporation ~~and~~ or association which has obtained the one-day license; is in good standing with the state; and obtains the commissioner's approval prior to the one-day license event may, in conjunction with the one-day licensee, exhibit, conduct complimentary tastings, or sell samples not to exceed ~~of~~ three, two-fluid ounce tastings or samples per patron, for consumption on the premises during the operation of the one-day license event; and may sell certain sealed wine bottles manufactured by the licensed winery or farm winery for off-premises consumption: *Provided*, That for a licensed winery or farm winery at a licensed one-day event, the tastings, samples and off-premises sales shall occur under the hours of operation ~~as required in~~ permitted by this article, except on Sunday, tastings, samples, and off-premises sales are unlawful between the hours of 2:00 a.m. and ~~10:00~~ 6:00 a.m., from the one-day licensee's submitted floor plan for the event subject to the requirements in the code and rules. Under no circumstances may the provisions of §60-8-20(c) or §60-8-20(f) of this code be waived nor may any exception be granted with respect to those subsections. ~~No more than six licenses may be issued to any single licensee during any calendar year.~~

(q)(1) In addition to the authorization granted to licensed wineries and farm wineries in subsections (h) and (p) of this section, an unlicensed winery, regardless of its designation in another state, but that is duly licensed in its domicile state, may pay a \$150 nonrefundable and nonprorated fee and submit an application for temporary licensure on a one-day basis for temporary sampling and sale of wine in sealed containers for off-premises consumption at a special one-day license nonprofit event.

(2) The application shall include, but is not limited to, the person or entity's name, address, taxpayer identification number, and location; a copy of its licensure in its domicile state; a signed and notarized verification that it produces 50,000 gallons or less of wine per year; a signed and notarized verification that it is in good standing with its domicile state; copies of its federal certificate of

label approvals and certified lab alcohol analysis for the wines it desires to temporarily provide samples and temporarily sell wine in sealed containers for off-premises consumption at a special one-day license for a nonprofit event issued under subsection (p) of this section; and ~~such~~ any other information as the commissioner may reasonably require.

(3) The applicant winery shall include a list of all wines proposed to be temporarily sampled and temporarily sold in sealed containers at a special one-day license for a nonprofit event so that the wines may be reviewed in the interest of public health and safety. Once approved, the submitted wine list ~~will create~~ creates a temporary wine brand registration for up to two special one-day ~~license~~ licenses for a nonprofit event for no additional fee.

(4) An applicant winery that receives this temporary special one-day license for a nonprofit event ~~will provide~~ shall provide the commissioner a signed and notarized written agreement ~~where the applicant winery agrees~~ acknowledging that the applicant winery understands its responsibility to pay all municipal, local, and sales taxes applicable to the sale of wine in West Virginia.

(5) An application must be submitted per special one-day license for a nonprofit event the applicant winery desires to attend, and the license fee shall cover up to two special one-day license for nonprofit events before an additional fee would be ~~paid~~ is required. In no circumstance would ~~such a~~ the winery be permitted to attend more than four special one-day ~~license for nonprofit events per year~~ licensed events. Any ~~such~~ applicant or unlicensed winery desiring to attend more than four special one-day license for nonprofit events per year or otherwise operate in West Virginia would need to seek appropriate licensure as a winery or a farm winery in this state.

(6) Notwithstanding the provisions of this article and requirements for licensure, wine brand registration, payment of wine liter tax, and the winery's appointment of suppliers and distributors, this temporary special one-day license for a nonprofit event, once granted, permits ~~such~~ a winery to operate in this limited capacity only at the approved specific, special one-day license for

a nonprofit event subject to the limitations ~~noted~~ contained in this section.

(7) The applicant winery ~~will need to further~~ shall also apply for and receive a transportation permit ~~in order~~ to legally transport wine in the state per §60-6-12 of this code.

(8) The applicant winery is subject to all applicable violations and/or penalties under this article and the legislative rules that is are not otherwise excepted by this subsection: *Provided*, That the commissioner may by rule or order provide for certain waivers or exceptions with respect to the provisions, rules, or orders ~~as required by~~ the circumstances of each festival or fair. ~~may require, including, without limitation, the right to~~ The commissioner may revoke or suspend any license issued pursuant to this ~~section~~ article, prior to any notice or hearing.

(r) The commissioner may issue special licenses to heritage fairs and festivals allowing the sale, serving, and sampling of wine from a licensed farm winery. The license application shall contain information required by the commissioner and shall be submitted to the commissioner at least 30 days prior to the event. Wines used during these events may be donated by or purchased from a licensed farm winery. Under no circumstances may the provision of §60-8-20(c) of this code be waived nor may any exception be granted with respect thereto. The commissioner shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code to implement the provisions of this subsection.

(s)(1) The commissioner may issue a special license for the retail sale of wine in a college stadium. A license to sell wine granted pursuant to this subsection entitles the licensee to sell and serve wine for consumption in a college stadium. For the purpose of this subsection, 'college stadium' means a facility constructed primarily for the use of a Division I, II, or III college that is a member of the National Collegiate Athletic Association, or its successor, and used as a football, basketball, baseball, soccer, or other Division I, II, or III sports stadium. A special license issued pursuant to this subsection shall be for a term beginning on the date of its issuance and ending on the next following June 30, and its

fee is \$250 regardless of the length of the term of the license. The application for the special license shall contain information required by the commissioner and must be submitted to the commissioner at least 30 days prior to the first day when wine is to be sold. The special license may be issued in the name of the National Collegiate Athletic Association Division I, II, or III college or university or the name of the primary food and beverage vendor under contract with that college or university. ~~These~~ All sales must take place within the confines of the college stadium: *Provided*, That the exterior of the area where wine sales may occur ~~must~~ shall be surrounded by a fence or other barrier prohibiting entry except upon the college or university's express permission, and under the conditions and restrictions established by the college or university, so that the wine sales area is closed to free and unrestricted entry by the general public.

(2) A license issued under this subsection and the licensee are subject to the other requirements of this article and the rules and orders of the commissioner relating to the special license: *Provided*, That the commissioner may by rule or order grant certain waivers or exceptions to those rules or orders as required by the circumstances of each the college stadium. ~~may require, including, without limitation, the right to~~ The commissioner may revoke or immediately suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding §60-8-27 and §60-8-28 of this code: *Provided, however*, That §60-8-20(c) or §60-8-20(d) of this code may not be waived, nor shall any exception be granted concerning those subsections.

(3) The commissioner may propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to implement this subsection.

§60-8-4. Liter tax.

There is hereby levied and imposed on all wine sold after July 1, 2007, by suppliers to distributors, and including all wine sold and sent to ~~West Virginia adult residents~~ to persons 21 years of age or older who reside in West Virginia from direct shippers, except wine sold to the commissioner, a tax of twenty-six and four

hundred six-thousandths cents per liter. Effective July 1, 2021, hard cider is excepted from this per liter tax and is taxed pursuant to §60-8A-3 of this code.

Before the 16th day of each month thereafter, every supplier, distributor and direct shipper shall make a written report under oath to the Tax Commissioner and the commissioner showing the identity of the ~~purchaser~~ purchasing person, the quantity, label and alcoholic content of wine sold by the supplier to West Virginia distributors or the direct shipper ~~to West Virginia adult residents to persons 21 years of age or older who reside in West Virginia~~ during the preceding month and at the same time shall pay the tax imposed by this article on the wine sold to the distributor or ~~the West Virginia adult residents~~ or to persons 21 years of age or older who reside in West Virginia during the preceding month to the Tax Commissioner.

The reports shall contain other information and be in the form required by the Tax Commissioner ~~may require~~. For purposes of this article, the reports required by this section shall be considered tax returns covered by the provisions of §11-10-1 *et seq.* of this code. Failure to timely file the tax returns within five calendar days of the 16th day of each month ~~will also subject~~ also subjects a supplier, distributor, and direct shipper to penalties under §60-8-18 of this code.

No wine imported, sold, or distributed in this state or sold and shipped to this state by a direct shipper shall be subject to more than one liter tax.

§60-8-6c. Winery and Farm Winery license to sell wine growers and provide complimentary samples prior to purchasing a wine growler.

(a) Legislative findings. — The Legislature hereby finds that it is in the public interest to regulate, control, and support the brewing, manufacturing, distribution, sale, consumption, transportation, and storage of wine and its industry in this state to protect the public health, welfare, and safety of the citizens of this state, and promote hospitality and tourism. Therefore, this section

authorizes a licensed winery or farm winery with its principal place of business and manufacture located in this state to have certain abilities to promote the sale of wine manufactured in this state for the benefit of the citizens of this state, the state's growing wine industry, and the state's hospitality and tourism industry, all of which are vital components for the state's economy.

(b) *Sales of wine.* — A licensed winery or farm winery with its principal place of business and manufacture located in the State of West Virginia may, when licensed under this section, offer only wine manufactured by the licensed winery or farm winery for retail sale to customers from the winery or farm winery's licensed premises for consumption off of the licensed premises only in the form of original container sealed wine kegs, wine bottles, or wine cans, or also a sealed wine growler for personal consumption, and not for resale. A licensed winery or farm winery may not sell, give, or furnish wine for consumption on the premises of the principal place of business and manufacture located in the State of West Virginia, except for the limited purpose of complimentary samples as permitted in subsection (c) of this section or unless separately licensed as a private wine restaurant or a private manufacturer club.

(c) *Complimentary samples.* — A licensed winery or farm winery with its principal place of business and manufacture located in the State of West Virginia may offer complimentary samples of wine as set forth in §60-4-3b of this code.

(d) *Retail sales.* — Every licensed winery or farm winery under this section shall comply with all the provisions of this article as applicable to wine retailers when conducting wine growler sales and is subject to all applicable requirements and penalties in this article.

(e) *Payment of taxes and fees.* — A winery or farm winery licensed under this section shall pay all taxes and fees required of licensed wine retailers, in addition to any other taxes and fees required, and shall meet applicable licensing provisions as required by this chapter and by rule of the commissioner.

(f) Advertising. — A winery or farm winery under this section may advertise a particular brand or brands of wine produced by the licensed winery or farm winery and the price of the wine subject to state and federal requirements or restrictions. The advertisement may not encourage intemperance or target minors.

(g) Wine Growler defined. — For purposes of this section and section §60-8-6d of the code, ‘wine growler’ means a container or jug that is made of glass, ceramic, metal, or other material approved by the commissioner, that may be no larger than 128 fluid ounces in size and is capable of being securely sealed. The growler may be used by an authorized licensee for purposes of off-premises sales only of wine for personal consumption, and not for resale. Notwithstanding any other provision of this code to the contrary, a securely sealed wine growler is not an open container under state and local law. A wine growler with a broken seal is an open container under state and local law unless it is located in an area of the motor vehicle physically separated from the passenger compartment. For purpose of this article, a secure seal means using a tamper evident seal, such as: (1) A plastic heat shrink wrap band, strip, or sleeve extending around the cap or lid of wine growler to form a seal that must be broken when the container is opened; or (2) A screw top cap or lid that breaks apart when the wine growler is opened.

(h) Wine Growler requirements. — A winery or farm winery licensed under this section shall prevent patrons from accessing the secure area where the winery or farm winery fills a wine growler and prevent patrons from filling a wine growler. A licensed winery or farm winery under this section shall sanitize, fill, securely seal, and label any wine growler prior to its sale. A licensed winery or farm winery under this section may refill a wine growler subject to the requirements of this section. A winery or farm winery shall visually inspect any wine growler before filling or refilling it. A winery or farm winery may not fill or refill any wine growler that appears to be cracked, broken, unsafe, or otherwise unfit to serve as a sealed beverage container.

(i) Wine Growler labeling. — A winery or farm winery licensed under this section selling wine growlers shall affix a

conspicuous label on all sold and securely sealed wine growlers listing the name of the licensee selling the wine growler, the brand of the wine in the wine growler, the alcohol content by volume of the wine in the wine growler, and the date the wine growler was filled or refilled. All labeling on the wine growler shall be consistent with all federal labeling and warning requirements.

(j) *Wine Growler sanitation.* — A licensed winery or farm winery authorized under this section shall clean and sanitize all wine growlers it fills or refills in accordance with all state and county health requirements prior to its filling and sealing. In addition, the licensed winery or farm winery shall sanitize, in accordance with all state and county health requirements, all taps, tap lines, pipelines, barrel tubes, and any other related equipment used to fill or refill growlers. Failure to comply with this subsection may result in penalties under this article.

(k) *Fee.* — There is no additional fee for a licensed winery or farm winery authorized under this section to sell wine growlers, but the licensee shall meet all other requirements of this section.

(l) *Limitations on licensees.* — To be authorized under this section, a licensed winery or farm winery may not produce more than 10,000 gallons of wine per calendar year at the winery or farm winery's principal place of business and manufacture located in the State of West Virginia. A licensed winery or farm winery authorized under this section is subject to the applicable penalties under this article for violations of this section.

(m) *Rules.* — The commissioner, in consultation with the Bureau for Public Health, may propose legislative rules concerning sanitation for legislative approval, pursuant to §29A-3-1 *et seq.* of this code, to implement this section.

§60-8-6d. Wine retailer, wine specialty shop, private wine restaurant, private wine bed and breakfast, private wine spa, Class B retail dealer, private club restaurant, private manufacturer club, Class A retail licensee, and Class B retail licensee's authority to sell wine growlers.

(a) *Legislative findings.* — The Legislature hereby finds that it is in the public interest to regulate, control, and support the

brewing, manufacturing, distribution, sale, consumption, transportation, and storage of wine and its industry in this state to protect the public health, welfare, and safety of the citizens of this state and promote hospitality and tourism. Therefore, this section authorizes a licensed wine retailer, wine specialty shop, private wine restaurant, private wine bed and breakfast, private wine spa, private club restaurant, private manufacturer club, Class A retail licensee, or Class B retail licensee to have certain abilities in order to promote the sale of wine manufactured in this state for the benefit of the citizens of this state, the state's growing wine industry, and the state's hospitality and tourism industry, all of which are vital components for the state's economy.

(b) *Sales of wine.* — A licensed wine retailer, wine specialty shop, private wine restaurant, private wine bed and breakfast, private wine spa, private club restaurant, private manufacturer club, Class A retail licensee, or Class B retail licensee who pays the fee in subsection (h) of this section and meets the requirements of this section may offer wine for retail sale to patrons from the licensed premises in a sealed wine growler for personal consumption off of the licensed premises, and not for resale. Prior to the sale, the licensee shall verify, using proper identification, that any patron purchasing wine is 21 years of age or over and that the patron is not visibly intoxicated. The nonprorated, nonrefundable annual fee to sell wine growlers is \$100.

(c) *Retail sales.* — Every licensee authorized under this section shall comply with all the provisions of this article as applicable to wine retailers when conducting sales of wine in a wine growler and is subject to all applicable requirements and penalties in this article.

(d) *Payment of taxes and fees.* — A licensee authorized under this section shall pay all taxes and fees required of licensed wine retailers, in addition to any other taxes and fees required, and meet applicable licensing provisions as required by this chapter and by rule of the commissioner.

(e) *Advertising.* — A licensee authorized under this section may advertise a particular brand or brands of wine and the price of the wine, subject to state and federal requirements or restrictions.

The advertisement may not encourage intemperance or target minors.

(f) *Wine Growler defined and requirements.* — A licensee authorized under this section shall use the wine growler definition and requirements in §60-8-6c(g) and §60-8-6c(h) of this code.

(g) *Wine Growler labeling and sanitation.* — A licensee authorized under this section shall label and sanitize wine growlers as set forth in §60-8-6c(i) and §60-8-6c(j) of this code.

(h) *Complimentary samples.* — A licensee authorized under this section may provide complimentary wine growler samples to a person intending to purchase a wine growler which may be no greater than two fluid ounces per wine growler sample and a wine growler sampling shall not exceed three complimentary two fluid ounce samples per patron per day. A licensee authorized under this section providing complimentary wine samples shall, prior to providing any samples, verify that the patron sampling wine is 21 years of age or older and that the patron is not visibly or noticeably intoxicated.

(i) *Limitations on licensees.* — A licensee under this section may only sell wine growlers during the hours of operation set forth in this article. Any licensee licensed under this section shall maintain a secure area for the sale and filling of wine in a wine growler. The secure area shall only be accessible by the licensee. Any licensee licensed under this section is subject to the applicable penalties under this article for violations.

(j) *Non-applicability of certain statutes.* — Notwithstanding any other provision of this article to the contrary, licensees under this section are permitted to break the seal of the original container for the limited purpose of filling a wine growler or providing complimentary wine samples as provided in this section. Any unauthorized sale of wine or any consumption not permitted on the licensee's licensed premises is subject to penalties under this article.

(k) Rules. — The commissioner may propose legislative rules for legislative approval, pursuant to §29A-3-1 et seq. of this code, to implement this section.

§60-8-6e. Private wine delivery license for a licensed Class A wine licensee or a third party; requirements; limitations; third party license fee; private retail transportation permit; and requirements.

(a) A Class A wine licensee who is licensed to sell wine for on-premises consumption may apply for a private wine delivery license permitting the order, sale, and delivery of wine in the original container of sealed bottles or cans, or sealed wine growlers, when separately licensed for wine growler sales. The order, sale, and delivery of wine in the original container of sealed bottles or cans, or sealed wine growlers is permitted for off-premises consumption when completed by the licensee or the licensee's employees to a person purchasing the wine through a telephone, mobile ordering application, or web-based software program, authorized by the licensee's license. There is no additional fee for a Class A wine licensee to obtain a private wine delivery license. The order, sale, and delivery process must meet the requirements of this section. The order, sale, and delivery process is subject to the penalties of this article.

(b) A third party, not licensed for wine sales or distribution, may apply for a private wine delivery license for the privilege of ordering and delivery of wine in the original container of sealed bottles, or cans, or sealed wine growlers, from a licensee with a wine growler license. The order and delivery of wine in the original container of sealed bottles or cans, or sealed wine growlers is permitted by a third party licensee when sold by a Class A wine licensee to a person purchasing the wine through telephone orders, mobile ordering application, or web-based software program for off-premises consumption. The private wine delivery license non-prorated, nonrefundable annual fee is \$200 per third party entity, with no limit on the number of drivers and vehicles.

(c) The private wine delivery license application shall comply with licensure requirements in this article and shall contain any information required by the commissioner.

(d) *Sale Requirements.* -

(1) The wine purchase shall accompany the purchase of prepared food or a meal and the completion of the sale may be accomplished by the delivery of prepared food or a meal, and sealed wine by the licensee or third-party licensee.

(2) Any purchasing person shall be 21 years of age or older, shall not be visibly or noticeably intoxicated at the time of delivery, and shall meet the requirements set forth in this article for the sale of wine.

(3) 'Prepared food or a meal' for this article, means food that has been cooked, grilled, fried, deep-fried, air-fried, smoked, boiled, broiled, twice baked, blanched, sautéed, or in any other manner freshly made and prepared, and does not include pre-packaged food from the manufacturer.

(4) An order, sale, and delivery may consist of no more than 384 fluid ounces of wine per delivery order; and

(5) A third-party private wine delivery licensee may not have a pecuniary interest in a Class A wine licensee, as set forth in this article. A third-party private wine delivery licensee may only charge a convenience fee for the delivery of wine as provided in this section. The third-party private wine delivery licensee may not collect a percentage of the delivery order for the delivery of alcohol but may collect a percentage of the delivery order directly related to prepared food or a meal. The convenience fee charged by the third-party private wine delivery licensee to the purchasing person may be no greater than five dollars per delivery order where wine is ordered by the purchasing person. For any third-party private wine delivery licensee also licensed for nonintoxicating beer or nonintoxicating craft beer growler delivery as set forth in §11-16-6d of the code or craft cocktail growler delivery as set forth in §60-7-8f of the code, the total convenience fee of any order, sale, and

delivery of a sealed growler, wine growler, or craft cocktail growler shall not exceed five dollars.

(e) Private Wine Delivery Requirements. -

(1) Delivery persons employed for the delivery of sealed wine shall be 21 years of age or older. The third-party private wine delivery licensee or a Class A wine licensee shall file each delivery person's name, driver's license, and vehicle information with the commissioner;

(2) The third-party private wine delivery licensee or the Class A wine licensee shall train delivery persons on verifying legal identification and in identifying the signs of intoxication. The third-party private wine delivery licensee shall submit certification of the training to the commissioner;

(3) The third party private wine delivery licensee or Class A wine licensee shall hold a retail transportation permit for each vehicle delivering sealed wine per subsection (g) of this section: *Provided*, That a delivery driver may retain an electronic copy of his or her permit as proof of licensure;

(4) Delivery of food or a meal, and sealed wine orders by a third-party private wine delivery licensee or Class A wine licensee may occur in the county or contiguous counties where the wine licensee is located;

(5) The third-party private wine delivery licensee or Class A wine licensee may only deliver prepared food or a meal and sealed wine to addresses located in West Virginia. The third-party private wine delivery licensee or Class A wine licensee shall account for and pay all sales and municipal taxes;

(6) The third-party private wine delivery licensee or Class A wine licensee may not deliver prepared food or a meal, and sealed wine to any other wine licensees;

(7) Deliveries of food or a meal, and sealed wine are only for personal use, and not for resale; and

(8) The third-party private wine delivery licensee or Class A wine licensee shall not deliver and leave deliveries of prepared food or a meal, and sealed wine any address without verifying a person's age and identification as required by this section.

(f) Telephone, mobile ordering application, or web-based software requirements. -

(1) The delivery person shall only permit the person who placed the order through a telephone order, a mobile ordering application, or web-based software to accept the prepared food or meal, and wine delivery which is subject to age verification upon delivery with the delivery person's visual review and verification and, as applicable, a stored scanned image of the purchasing person's legal identification;

(2) Any mobile ordering application or web-based software used shall create a stored record and image of the purchasing person's legal identification and details of the sale, accessible by the delivery driver for verification, and shall include the delivery driver's name and vehicle information;

(3) Any telephone ordering system shall maintain a log or record of the purchasing person's legal identification and details of the sale, accessible by the delivery driver for verification, and shall include the delivery driver's name and vehicle information;

(4) All records are subject to inspection by the commissioner, and the third-party private wine delivery licensee and Class A wine licensee shall retain the records for inspection for three years. The third-party private wine delivery licensee or Class A wine licensee may not unreasonably withhold the records from the commissioner's inspection; and

(5) Each vehicle delivering wine shall be issued a private wine retail transportation permit per subsection (g) of this section.

(g) Private Wine Retail Transportation Permit. -

(1) A Class A wine licensee or a third-party private wine delivery licensee shall obtain and maintain a retail transportation permit for the delivery of prepared food and sealed wine.

(2) A Class A wine licensee or a third-party private wine delivery licensee shall provide vehicle and driver information, requested by the commissioner. Upon any change in vehicles or drivers, the licensee shall update the driver and vehicle information with the commissioner within 10 days of the change.

(3) In conjunction with §60-6-12 of this code, a private wine retail transportation permit shall meet the requirements of a transportation permit authorizing the permit holder to transport wine subject to the requirements of this chapter.

(h) Enforcement. -

(1) The licensee or the third-party private wine delivery licensee are responsible for any violations committed by their employees or independent contractors under this article, and more than one violation may be issued for a single violation involving multiple licensees, employees, or independent contractors.

(2) Any license or permit granted by this section is subject to the penalties of probation, monetary fines, suspension, and revocation, as set forth in this article, for violations committed by the licensee, its employees, or independent contractors.

(3) It is a violation for any licensee, its employees, or independent contractors to break the seal of a wine bottle, wine can, or wine growler. A person who violates the provisions of this subdivision is subject to the maximum penalties available in this article.

(4) For purposes of criminal enforcement of the provisions of this article, persons ordering, purchasing, and accepting delivery of orders are considered to be purchasers.

§60-8-6f. Private wine delivery license for a licensed Class B wine licensee or a third party; requirements; limitations; third party license fee; private retail transportation permit; and requirements.

(a) A Class B wine licensee who is licensed to sell wine for on-premises consumption may apply for a private wine delivery license permitting the order, sale, and delivery of wine in the original container of sealed bottles or cans, or sealed wine

growlers, when separately licensed for wine growler sales. The order, sale, and delivery of wine in the original container of sealed bottles, cans, or sealed wine growlers is permitted for off-premises consumption when completed by the licensee or the licensee's employees to a person purchasing the wine through a telephone order, a mobile ordering application, or web-based software program, as authorized by the licensee's license. There is no additional fee for a Class B wine licensee to obtain a private wine delivery license. The order, sale, and delivery process shall meet the requirements of this section, and subject to the penalties of this article.

(b) A third party, not licensed for wine sales or distribution, may apply for a private wine delivery license for the privilege of the ordering and delivery of wine in the original container of sealed bottles, or cans, or sealed wine growlers, from a licensee with a wine growler license. The order and delivery of wine in the original container of sealed bottles or cans, or sealed wine growlers is permitted for off-premises consumption by a third party licensee when sold by a Class B wine licensee to a person purchasing the wine through telephone orders, mobile ordering application, or web-based software program. The private wine delivery license non-prorated, nonrefundable annual fee is \$200 per third party entity, with no limit on the number of drivers and vehicles.

(c) The private wine delivery license application shall comply with licensure requirements in this article and shall contain any information required by the commissioner.

(d) *Sale Requirements.* -

(1) The wine purchase may accompany the purchase of food and the completion of the sale may be accomplished by the delivery of food and sealed wine by the licensee or third-party private wine delivery licensee.

(2) Any purchasing person must be 21 years of age or older, shall not be visibly or noticeably intoxicated at the time of delivery, and shall meet the requirements set forth in this article for the sale of wine.

(3) Food, for purposes of this section, means food that has been cooked, microwaved, or that is pre-packaged food from the manufacturer;

(4) An order, sale, or delivery consisting of food and any combination of sealed wine bottles, cans, or growlers shall not be in excess of 384 fluid ounces of wine; and

(5) A third-party private wine delivery licensee shall not have a pecuniary interest in a Class B wine licensee, as set forth in this article. A third-party private wine delivery licensee may only charge a convenience fee for the delivery of wine. The third-party private wine delivery licensee may not collect a percentage of the delivery order for the delivery of alcohol but may collect a percentage of the delivery order directly related to food only. The convenience fee charged by the third-party private wine delivery licensee to the purchasing person shall be no greater than five dollars per delivery order where wine is ordered by the purchasing person. For any third-party licensee also licensed for nonintoxicating beer or nonintoxicating craft beer delivery as set forth in §11-16-6f of the code, the total convenience fee of any order, sale, and delivery shall not exceed five dollars.

(e) Private Wine Delivery Requirements. -

(1) Delivery persons employed for the delivery of sealed wine shall be 21 years of age or older. The third-party private wine delivery licensee or a Class B wine licensee shall file each delivery person's name, driver's license, and vehicle information with the commissioner;

(2) The third-party private wine delivery licensee or Class B wine licensee shall train delivery persons on verifying legal identification and in identifying the signs of intoxication and certification. The third-party private wine delivery licensee or Class B wine licensee shall submit certification of the training to the commissioner;

(3) The third party delivery licensee or Class B wine licensee must hold a retail transportation permit for each vehicle delivering

sealed wine as required by subsection (g) of this section: *Provided*, That a delivery driver may retain an electronic copy of his or her permit as proof of licensure;

(4) The third-party private wine delivery licensee or Class B wine licensee may only deliver food and sealed wine orders by a third-party private wine delivery licensee or Class B wine licensee in the county where the wine licensee is located;

(5) The third-party private wine delivery licensee or Class B wine licensee may only deliver food and sealed wine to addresses located in West Virginia with all sales and municipal taxes accounted for and paid;

(6) A third-party private wine delivery licensee or Class B wine licensee may not deliver food and sealed wine to any other wine licensees;

(7) Deliveries of food and sealed wine are only for personal use, and not for resale; and

(8) A third-party private wine delivery licensee or Class B wine licensee shall not deliver and leave food and sealed wine at any address without verifying a person's age and identification as required by this section.

(f) *Telephone, mobile ordering application, or web-based software requirements.* -

(1) The delivery person shall only permit the person who placed the order through a telephone, a mobile ordering application, or web-based software to accept the food and wine delivery which is subject to age verification upon delivery with the delivery person's visual review and verification and, as applicable, a stored scanned image of the purchasing person's legal identification;

(2) Any mobile ordering application or web-based software used shall create a stored record and image of the purchasing person's legal identification and details of the sale, accessible by

the delivery driver for verification, and shall include the delivery driver's name and vehicle information;

(3) Any telephone ordering system shall maintain a log or record of the purchasing person's legal identification and details of the sale, accessible by the delivery driver for verification, and must include the delivery driver's name and vehicle information;

(4) All records are subject to inspection by the commissioner. The third-party private wine delivery licensee or Class B wine licensee shall retain the records for inspection for three years. The third-party private wine delivery licensee or Class B wine licensee may not unreasonably withhold the records from the commissioner's inspection; and

(5) Each vehicle delivering wine shall be issued a private wine retail transportation permit under subsection (g) of this section.

(g) *Private Wine Retail Transportation Permit.* -

(1) A Class B wine licensee or third party private wine delivery licensee shall obtain and maintain a retail transportation permit for the delivery of food and wine.

(2) A Class B wine licensee or third party private wine delivery licensee shall provide vehicle and driver information requested by the commissioner. Upon any change in vehicles or drivers, the licensee shall update the driver and vehicle information with the commissioner within 10 days of the change.

(3) In conjunction with §60-6-12 of this code, a private wine retail transportation permit shall meet the requirements of a transportation permit authorizing the permit holder to transport wine subject to the requirements of this chapter.

(h) *Enforcement.* -

(1) The licensee or third-party private wine delivery licensee are each responsible for any violations committed by their employees or agents under this article, and more than one violation

may be issued for a single violation involving multiple licensees, employees, or independent contractors.

(2) Any license or permit granted by this section is subject to the penalties of probation, monetary fines, suspension, and revocation, as set forth in this article, for violations committed by the licensee, its employees, or independent contractors.

(3) It is a violation for any licensee, its employees, or independent contractors to break the seal of a wine bottle, wine can, or wine growler. A person who violates the provisions of this subdivision is subject to the maximum penalties available in this article.

(4) For purposes of criminal enforcement of the provisions of this article, persons ordering, purchasing, and accepting delivery of orders are considered to be purchasers.

§60-8-18. Revocation, suspension, and other sanctions which may be imposed by the commissioner upon the licensee; procedure for appealing any final order of the commissioner which revokes, suspends, sanctions, or denies the issuance or renewal of any license issued under this article.

(a) The commissioner may on his or her own motion, or shall on the sworn complaint of any person, conduct an investigation to determine if any provisions of this article or any rule promulgated or any order issued by the commissioner has been violated by any licensee. After investigation, the commissioner may impose penalties and sanctions as set forth ~~below~~ in this section.

(1) If the commissioner finds that the licensee has violated any provision of this article or any rule promulgated or order issued by the commissioner, or if the commissioner finds the existence of any ground on which a license could have been refused, if the licensee were then applying for a license, the commissioner may:

(A) Revoke the licensee's license;

(B) Suspend the licensee's license for a period determined by the commissioner not to exceed 12 months; ~~or~~

(C) Place the licensee on probation for a period not to exceed 12 months; ~~and or~~

(D) Impose a monetary penalty not to exceed \$1,000 for each violation where revocation is not imposed.

(2) If the commissioner finds that a licensee has willfully violated any provision of this article or any rule promulgated or any order issued by the commissioner, the commissioner shall revoke the licensee's license.

~~(b) If a supplier or distributor fails or refuses to keep in effect the bond required by §60-8-29 of this article, the commissioner shall automatically suspend the supplier or distributor's license until the bond required by §60-8-20 of this article is furnished to the commissioner, at which time the commissioner shall vacate the suspension~~

~~(e)~~(b) Whenever the commissioner refuses to issue a license, or suspends or revokes a license, places a licensee on probation, or imposes a monetary penalty, he or she shall enter an order to that effect and cause a copy of the order to be served in person or by certified mail, return receipt requested, on the licensee or applicant.

~~(d)~~(c) An applicant or licensee, as the case may be, adversely affected by the order has a right to a hearing before the commissioner if a written demand for hearing is served upon the commissioner within 10 days following the receipt of the commissioner's order by the applicant or licensee. Timely service of a demand for a hearing upon the commissioner operates to suspend the execution of the order with respect to which a hearing has been demanded, except an order suspending a license under the provisions of §60-8-29 of this code. The person demanding a hearing shall give security for the cost of the hearing in a form and amount as required by the commissioner ~~may reasonably require~~. If the person demanding the hearing does not substantially prevail in the hearing or upon judicial review thereof as provided in

subsections ~~(g)~~(f) and ~~(h)~~(g) of this section, then the costs of the hearing shall be assessed against him or her by the commissioner and may be collected by an action at law or other proper remedy.

~~(e)~~(d) Upon receipt of a timely served written demand for a hearing, the commissioner shall immediately set a date for the hearing and notify the person demanding the hearing of the date, time, and place of the hearing, which shall be held within 30 days after receipt of the demand. At the hearing, the commissioner shall hear evidence and thereafter enter an order supporting by findings of facts, affirming, modifying, or vacating the order. Any such order is final unless vacated or modified upon judicial review.

~~(f)~~(e) The hearing and the administrative procedure prior to, during, and following the hearing shall be governed by and in accordance with the provisions of §29A-5-1 *et seq.* of this code.

~~(g)~~(f) Notwithstanding the provisions of §29A-5-4(b) of this code, an applicant or licensee adversely affected by a final order entered following a hearing has the right ~~of~~ to judicial review of the order code in the Circuit Court of Kanawha County or the circuit court in the county where the proposed or licensed premises is located and will or does conduct sales: *Provided*, That in all other respects, ~~such~~ the review shall be conducted in the manner provided in chapter 29A of this code. The applicant or licensee shall file the petition for the review ~~must be filed~~ with the circuit court within 30 days following entry of the final order issued by the commissioner. An applicant or licensee obtaining judicial review is required to pay the costs and fees incident to transcribing, certifying, and transmitting the records pertaining to the matter to circuit court.

~~(h)~~(g) The judgment of the circuit court reviewing the order of the commissioner is final unless reversed, vacated, or modified on appeal to the Supreme Court of Appeals in accordance with the provisions of §29A-6-1 of this code.

~~(i)~~(h) Legal counsel and services for the commissioner in all proceedings in any circuit court and the Supreme Court of Appeals shall be provided by the Attorney General or his or her assistants

and in any proceedings in any circuit court by the prosecuting attorney of that county as well, all without additional compensation.

§60-8-20. Unlawful acts generally.

It ~~shall be~~ is unlawful:

(a) For a supplier or distributor to sell or deliver wine purchased or acquired from any source other than a person registered under the provisions of §60-8-6 of this code or for a retailer to sell or deliver wine purchased or acquired from any source other than a licensed distributor or a farm winery as defined in §60-1-5a of this code;

(b) Unless otherwise specifically provided by the provisions of this article, for a licensee under this article to acquire, transport, possess for sale, or sell wine other than in the original package;

(c) For a licensee, his or her servants, agents or employees to sell, furnish or give wine to any person less than 21 years of age, or to a ~~mental~~ mentally incompetent person or person who is physically incapacitated due to the consumption of alcoholic liquor or the use of drugs: *Provided*, That the provisions of section §60-3A-25a of this code shall apply to sales of wine;

(d) For a licensee to permit a person who is less than 18 years of age to sell, furnish or give wine to any person, except as provided for in subsection (g) of this section;

(e) For a supplier or a distributor to sell or deliver any brand of wine purchased or acquired from any source other than the primary source of supply of the wine which granted the distributor the right to sell the brand at wholesale. For the purposes of this article, 'primary source of supply' means the vintner of the wine, the importer of a foreign wine who imports the wine into the United States, the owner of a wine at the time it becomes a marketable product, the bottler of a wine or an agent specifically authorized by any of the above-enumerated persons to make a sale of the wine to a West Virginia distributor: *Provided*, That no retailer shall sell or

deliver wine purchased or acquired from any source other than a distributor or farm winery licensed in this state: *Provided, however,* That nothing herein is considered to prohibit sales of convenience between distributors licensed in this state wherein one distributor sells, transfers, or delivers to another distributor a particular brand or brands for sale at wholesale, of which brand or brands the other distributor has been authorized by a licensed supplier to distribute. The commissioner shall promulgate legislative rules necessary to carry out the provision of this subsection;

(f) For a person to violate any ~~reasonable~~ rule promulgated by the commissioner under this article;

(g) Nothing in this article, nor any rule or regulation of the commissioner, shall prevent or be considered to prohibit any licensee from employing any person who is at least 18 years of age to serve in any licensee's lawful employment, including the sale ~~or delivery~~ of wine or distribution of wine on behalf of a winery, farm winery, farm entity, supplier, or distributor under the provisions of this article. With the prior approval of the commissioner, a licensee ~~whose principal business is the sale of food or consumer goods or the providing of recreational activities, including, but not limited to, nationally franchised fast food outlets, family oriented restaurants, bowling alleys, drug stores, discount stores, grocery stores and convenience stores,~~ may employ persons who are less than 18 years of age but at least 16 years of age: *Provided,* That the person's duties may ~~not~~ include the sale ~~or delivery~~ of nonintoxicating beer or wine alcoholic liquors only when directly supervised by a person 21 years of age or older: *Provided, however,* That the authorization to employ persons under ~~the age of 18 years of age~~ shall be clearly indicated on the licensee's license: *Provided, further,* That nothing in this article, nor any rule or regulation of the commissioner, shall prevent or be considered to prohibit any licensee from employing any person who is at least 21 years of age for the ordering and delivery of wine when licensed for the ordering and delivery of wine under the provisions of this article.

§60-8-29. ~~Bond~~ Affidavit of compliance required of distributors and suppliers.

Each applicant for a distributor's license or a supplier's license shall furnish at the time of application ~~a bond with a corporate surety authorized to transact business in this State, payable to the State, and conditioned on the payment of all taxes and fees herein prescribed and on the faithful performance of and compliance with the provisions of this article.~~ an affidavit of compliance with federal and state laws regarding tied house laws, trade practice requirements, and furnishing things of value requirements set forth in the code and the rules. The commissioner shall suspend the licenses of licensed distributors and suppliers upon 10 days written notice by the commissioner, for failing to pay their taxes to the Tax Commissioner or who are not otherwise in good standing with the commissioner and other state agencies. If the licensed distributors and suppliers fail to pay their taxes or otherwise fail to take corrective actions to put the licensed distributors and suppliers in good standing within 30 days from the date of suspension of the licensee's license, then the commissioner shall revoke the licensee's license pursuant to the requirements of this article.

~~The penal sum of the bond for distributors shall be ten thousand dollars and the penal sum of the bond for suppliers shall be \$10,000. Each distributor shall be required to furnish separate bond for each location or separate place of business from which wine is distributed, sold or delivered. Revocation or forfeiture of the bond furnished for any such location may, in the discretion of the commissioner, cause the revocation or forfeiture of all such bonds furnished by the distributor suffering such revocation or forfeiture.~~

§60-8-32a. Where wine may be sold and consumed for on-premises consumption.

(a) With prior approval of the commissioner, a Class A wine licensee may sell, serve, and furnish wine for on premises consumption in a legally demarcated area which may include a temporary private wine outdoor dining area or a temporary private wine outdoor street dining area. A temporary private wine outdoor street area shall be approved by the municipal government or

county commission in which the licensee operates. The commissioner shall develop and make available an application form to facilitate the purposes of this subsection.

(b) The Class A wine licensee shall submit to a municipality or county commission for the approval of the private wine outdoor dining area or private wine outdoor street dining area and submit to the municipality or county commission a revised floorplan requesting to sell wine, subject to the commissioner's requirements, in an approved and bounded outdoor area. For private wine outdoor street dining or private wine outdoor dining the approved and bounded outdoor area need not be adjacent to the licensee's licensed premises, but in close proximity and under the licensee's control and with right of ingress and egress. For purposes of this section, 'close proximity', means an available area within 150 feet of the licensee's licensed premises.

(c) This private wine outdoor dining or private wine outdoor street dining may be operated in conjunction with a private outdoor dining or private outdoor street dining area set forth in §60-7-8d of this code, and nonintoxicating beer or nonintoxicating craft beer outdoor dining or outdoor street dining set forth in §11-16-9 of this code.

(d) For purposes of this section, 'private wine outdoor dining and private wine outdoor street dining' include dining areas that are:

(1) Outside and not served by an HVAC system for air handling services and use outside air;

(2) Open to the air; and

(3) Not enclosed by fixed or temporary walls; however, the commissioner may seasonally approve a partial enclosure with up to three temporary or fixed walls.

Any areas where seating is incorporated inside a permanent building with ambient air through HVAC is not considered outdoor dining pursuant to this subsection.

(e) Class A licensees licensed for on-premises sales shall provide food or a meal along with sealed wine in the original container or a sealed wine growler sales and service as set forth in this section and in §60-8-3 of this code, to a patron who is in-person or in-vehicle while picking up food and sealed wine in the original containers or sealed wine growlers ordered-to-go, subject to verification that the purchasing person is 21 years of age or older, and not visibly, or noticeably intoxicated, and as otherwise specified in this article.

§60-8-34. When retail sales prohibited.

It ~~shall be~~ is unlawful for a retailer, farm winery, wine specialty shop retailer, private wine bed and breakfast, private wine restaurant, or private wine spa licensee, his or her servants, agents, or employees to sell or deliver wine between the hours of 2:00 a.m. and ~~4:00~~ 6:00 a.m. or, it ~~shall be~~ is unlawful for a winery, farm winery, private wine bed and breakfast, private wine restaurant, or private wine spa, his or her servants, agents, or employees to sell wine between the hours of 2:00 a.m. and 1:00 p.m. in any county upon approval as provided for in §7-1-3ss of this code, ~~on Sundays,~~ or between the hours of 2:00 a.m. and ~~7:00~~ 6:00 a.m. on weekdays, ~~and Saturdays, and Sundays.~~

ARTICLE 8A. MANUFACTURE AND SALE OF HARD CIDER.

§60-8A-1. Definition of Hard Cider.

‘Hard Cider’ means a type of wine that is derived primarily from the fermentation of apples, pears, peaches, honey, or other fruit, or from apple, pear, peach, or other fruit juice concentrate and water; contains no more than 0.64 grams of carbon dioxide per 100 milliliters; contains at least one half of one percent and less than 12 and one half percent alcohol by volume; and is advertised, labeled, offered for sale, or sold, as hard cider or cider containing alcohol, and not as a wine, wine product, or as a substitute for wine.

§60-8A-2. Applicability of other laws and licenses.

(a) Except as stated in this article, all wine licenses and other wine requirements set forth in §60-8-1 et seq., §60-4-3b, and §60-6-2, of this code, shall apply to the manufacture, distribution, or sale of hard cider. Any person or licensee legally authorized to manufacture, distribute, or sell wine may manufacture, distribute, or sell hard cider in the same manner and to the same persons, and subject to the same limitations and conditions, as such license or legal right authorizes him or her to manufacture, distribute, or sell wine. No additional wine license fees shall be charged for the privilege of manufacturing, distributing, or selling hard cider.

(b) Except as stated in this article, all hard cider distributors are bound by all wine distribution requirements set forth in §60-8-1 et seq., §60-4-3b, and §60-6-2, of this code which shall apply to distribution of hard cider. Any person or licensee legally authorized to distribute hard cider may distribute hard cider in the same manner and to the same persons, and subject to the same limitations and conditions, as a license or legal right would authorize him or her to distribute wine. An additional hard cider license fee shall not be charged for the privilege of distributing hard cider.

§60-8A-3. Taxation; reporting; deposits into Agriculture Development Fund; penalties for failure to file returns; application of state tax law; rulemaking authority.

(a) There is hereby levied and imposed on all hard cider sold on and after July 1, 2021, by wineries, farm wineries, and suppliers to distributors, and including all hard cider sold and sent to persons 21 years of age or older who reside in West Virginia from direct shippers, a tax of 22.6 cents per gallon, in like ratio for any partial gallon or other unit of measure: *Provided*, That wineries, farm wineries, and suppliers eligible for federal tax credits in 26 U.S.C. 5041(c)(1) on hard cider are eligible for the credits in this state against the tax on hard cider. In the case of a person who produces not more than 250,000 wine gallons of hard cider during the calendar year, there shall be allowed as a credit against any tax imposed by this section of 5.6 cents per wine gallon on the first 100,000 wine gallons of hard cider which are removed during such

year for consumption or sale and which have been produced at qualified facilities in the United States. That credit shall be reduced by one percent for each 1,000 wine gallons of hard cider produced in excess of 150,000 wine gallons of hard cider during the calendar year. For the purposes of this section, the term 'wine gallon' means a United States gallon of liquid measure equivalent to the volume of 231 cubic inches. On lesser quantities, the tax shall be paid proportionately (fractions of less than one-tenth gallon being converted to the nearest one-tenth gallon, and five-hundredths gallon being converted to the next full one-tenth gallon). Hard cider is exempt from the liter tax established under §60-8-4 of this code.

(b) The Tax Commissioner shall deposit, at least quarterly, after deducting the amount of any refunds lawfully paid and any administrative fees authorized by this code, the taxes for the hard cider, pursuant to this section, in the Agriculture Development Fund established by §19-2-12 of this code.

(c) Before the 16th day of each month thereafter, every winery, farm winery, supplier, distributor, and direct shipper shall make a written report under oath to the Tax Commissioner and the commissioner showing the identity of the purchasing person, the quantity, label, and alcoholic content of hard cider sold by the winery, farm winery, and supplier to West Virginia distributors or the direct shipper to persons 21 years of age or older who reside in West Virginia during the preceding month and at the same time shall pay the tax imposed by this article on the hard cider sold to the distributor or to persons 21 years of age or older who reside in West Virginia during the preceding month to the Tax Commissioner.

The reports shall contain other information and be in the form required by the Tax Commissioner. For purposes of this article, the reports required by this section shall be considered tax returns covered by the provisions of §11-10-1 *et seq.* of this code. Failure to timely file the tax returns within five calendar days of the 16th day of each month subjects a winery, farm winery, supplier, distributor, and direct shipper to penalties under §60-8-18 of this code.

(d) No hard cider imported, sold, or distributed in this state or sold and shipped to this state by a direct shipper shall be subject to more than one per-gallon tax on hard cider.

(e) *Administrative procedures.* — Each and every provision of the West Virginia Tax Procedure and Administration Act set forth in § 11-10-1 *et seq.* of this code, applies to the taxes imposed pursuant to this section, except as otherwise expressly provided in this article, with like effect as if that act were applicable only to the taxes imposed by this section and were set forth in extenso in this article.

(f) *Criminal penalties.* — Each and every provision of the West Virginia Tax Crimes and Penalties Act set forth in § 11-9-1 *et seq.* of this code applies to the taxes imposed pursuant to this section with like effect as if that act were applicable only to the taxes imposed pursuant to this article and were set forth in extenso in this article.

(g) The Tax Commissioner may propose legislative rules for legislative approval, pursuant to §29A-3-1 *et seq.* of this code, to implement this section.

§60-8A-4. Fruit sources; phase in; applications.

(a) On and after July 1, 2021, pursuant to §60-3-25 of this code, any farm winery attempting to manufacture hard cider may apply to the Agriculture Commissioner with a copy to the commissioner showing its inability to obtain 75 percent of the apples, pears, peaches, honey, or other fruits necessary to produce its hard cider from within this state. The Agriculture Commissioner may issue a permit to the applicant to import such fruit, honey, or fruit juice concentrate in an amount determined necessary by the Agriculture Commissioner to allow the farm winery to produce hard cider within the percentage established by §60-1-5a of this code.

(b) The burden of proof is on the applicant to show that apples, pears, peaches, honey, or other fruits, of the type normally used by the licensee are not available from any other source within the State of West Virginia. The commissioner shall not consider an

application for a permit under this section unless it is accompanied by written findings by the Agriculture Commissioner in support of the application.

(c) Notwithstanding any provision in §60-3-25 of this code, to the contrary, any permit issued under this section is effective for a period of up to three years: *Provided*, That the applicant files an annual statement of necessity, supported by written findings from the Agriculture Commissioner, with the commissioner. After the five-year permit issued pursuant to this section has expired, the applicant shall submit any subsequent application for a permit pursuant to §60-3-25 of this code.

§60-8A-5. Winery or farm winery licensee's authority to manufacture, sell, and provide complimentary samples; growler sales; advertisements; taxes; fees; rulemaking.

(a) *Sales of hard cider.* — A licensed winery or farm winery with its principal place of business or manufacturing facility located in the State of West Virginia may offer hard cider manufactured by the licensed winery or farm winery for retail sale to customers from the winery's or farm winery's licensed premises for consumption off of the licensed premises only in approved and registered hard cider kegs, bottles, or cans, or also sealed wine growlers for personal consumption and not for resale. A licensed winery or farm winery may not sell, give, or furnish hard cider for consumption on the premises of the principal place of business or manufacturing facility located in the State of West Virginia, except for the limited purpose of complimentary samples as permitted in subsection (b) of this section. 'Wine Growler' has the meaning set forth in §60-8-6c(g) of this code.

(b) *Complimentary samples.* — A licensed winery or farm winery with its principal place of business or manufacturing facility located in the State of West Virginia may offer complimentary samples of hard cider manufactured at the winery's or farm winery's principal place of business or manufacturing facility located in the State of West Virginia. The complimentary samples may be no greater than two fluid ounces per sample per patron, and a sampling shall not exceed six complimentary two-

fluid ounce samples per patron per day. A licensed winery or farm winery providing complimentary samples shall provide complimentary food items to the patron consuming the complimentary samples; and prior to any sampling, verify, using proper identification, that the patron sampling is 21 years of age or older and that the patron is not noticeably or visibly intoxicated.

(c) Retail sales. — Every licensed winery or farm winery under this section shall comply with all the provisions applicable to wine retailers when conducting sales of hard cider and is subject to all applicable requirements and penalties.

(d) Payment of taxes and fees. — A licensed winery or farm winery under this section shall pay all taxes and fees required of licensed wine retailers, in addition to any other taxes and fees required, and meet applicable licensing provisions as required by law and by rule of the commissioner.

(e) Advertising. — A licensed winery or farm winery may advertise a particular brand or brands of hard cider produced by the licensed winery or farm winery and the price of the hard cider subject to state and federal requirements or restrictions. The advertisement may not encourage intemperance or target minors.

(f) Growler requirements. — A licensed winery or farm winery, if offering wine growler filling services, shall meet the filling, labeling, sanitation, and all other wine growler requirements in §60-8-6c of this code.

(g) Fee. — There is no additional fee for a licensed winery or farm winery authorized under §60-8-6c of this code, to sell wine growlers, if a winery or farm winery only desires to sell hard cider in the wine growler, and no other wine, then the annual nonprorated and nonrefundable license fee is \$50.

§60-8A-6. Rule-making authorization.

The West Virginia Alcoholic Beverage Control Commissioner may propose legislative rules for legislative approval, pursuant to §29A-3-1 et seq. of this code, to implement this article.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY,
AND DECENCY.****§61-8-27. Unlawful admission of children to dance house, etc.;
penalty.**

Any proprietor or any person in charge of a dance house, concert saloon, theater, museum, or similar place of amusement, or other place, where wines or spirituous or malt liquors are sold or given away, or any place of entertainment injurious to health or morals who admits or permits to remain therein any minor under the age of 18 years, unless accompanied by his or her parent or guardian, is guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine not exceeding \$200: *Provided*, That there is exemption from this prohibition for: (a) A private caterer, private club restaurant, private manufacturer club, private fair and festival, private resort hotel, private hotel, private golf club, private nine-hole golf course, private resort hotel, and private golf club private tennis club, private wedding venue or barn, private outdoor dining and private outdoor street dining, private multi-vendor fair and festival license, private farmers market, private professional sports stadium, and a private multi-sports complex licensed pursuant to §60-7-1 *et seq.* of this code and in compliance with §60-7-2(f)(11), §60-7-2(g)(8), §60-7-2(h)(74), §60-7-2(i)(78), and §60-7-2(j)(7), §60-7-2(k)(8), §60-7-2(l)(8), §60-7-2(m)(7), §60-7-2(n)(7), §60-7-2(o)(8), §60-7-2(p)(8), §60-7-2(q)(12), §60-7-2(r)(8), §60-7-2(s)(9), §60-7-8c(b)(14), §60-7-8d, and §60-8-32a, of this code; or (b) a private club with more than 1,000 members that is in good standing with the Alcohol Beverage Control Commissioner, that has been approved by the Alcohol Beverage Control Commissioner; and which has designated certain seating areas on its licensed premises as nonalcoholic liquor and nonintoxicating beer areas, as noted in the licensee's floorplan; ~~or~~ (c) ~~a private fair and festival that is in compliance with §60-7-2(f)(7) of this code, by utilizing~~ using a mandatory carding or identification program ~~whereby~~ by which all members or guests being served or sold alcoholic liquors, nonintoxicating beer, or nonintoxicating craft beer are asked and ~~must~~ required to provide

their proper identification to verify their identity and further that they are of legal drinking age, 21 years of age or older, prior to each sale or service of alcoholic liquors, nonintoxicating beer, or nonintoxicating craft beer.”

And,

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

Com. Sub. for H. B. 2025 – “A Bill to amend and reenact §7-1-3ss of the Code of West Virginia, 1931, as amended, to amend and reenact §11-16-3, §11-16-9, and §11-16-18 of said code; to amend said code by adding thereto four new sections, designated §11-16-6d, §11-16-6e, §11-16-6f and §11-16-11c; to amend said code by adding thereto two new sections, designated §19-2-12 and §19-2-13; to amend and reenact §60-1-5a of said code; to amend said code by adding thereto a new section, designated §60-3A-3b; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend said code by adding thereto a new section, designated §60-4-3c; to amend and reenact §60-6-8 of said code; to amend and reenact §60-7-2, §60-7-6, and §60-7-12 of said code; to amend said code by adding thereto five new sections, designated §60-7-8b, §60-7-8c, §60-7-8d, §60-7-8e, and §60-7-8f; to amend and reenact §60-8-2, §60-8-3, §60-8-4, §60-8-18, §60-8-20, §60-8-29 and §60-8-34 of said code; to amend said code by adding thereto five new sections, designated §60-8-6c, §60-8-6d, §60-8-6e, §60-8-6f and §60-8-32a; to amend said code by adding thereto a new article, designated §60-8A-1, §60-8A-2, §60-8A-3, §60-8A-4, §60-8A-5, and §60-8A-6; and to amend and reenact §61-8-27 of said code, all relating to nonintoxicating beer, nonintoxicating craft beer, liquor, wine, and hard cider sales in this state; providing for changing the beginning time for nonintoxicating beer, nonintoxicating craft beer, liquor, and wine sales to begin at 6:00 a.m. on all days for on and off premises licensees; authorizing Class A and Class B retailers and third parties to obtain a license to deliver nonintoxicating beer and nonintoxicating craft beer; allowing the sale, ordering, and delivery of nonintoxicating beer and nonintoxicating craft beer by a telephone, mobile ordering application or web-based software program; setting forth sale, delivery and telephone, mobile ordering application or web-based

software program requirements; providing for enforcement; exempting certain licensees from an additional licensing fee, and establishing a license fee for third parties, and requiring a nonintoxicating beer retail transportation permit for delivery vehicles; establishing a nonintoxicating beer and nonintoxicating craft beer direct shippers license to allow shipping in state and out of state; providing license requirements, shipping requirements, limitations, and fees; requiring the payment of fees and taxes, the maintenance of records and the preparation of reports; providing for penalties, criminal penalties, and jurisdiction; authorizing Class A and Class B licensees to sell and deliver sealed nonintoxicating beer and nonintoxicating craft beer for consumption off the premises if certain conditions are met; providing certain licensees with the authority to sell, serve, and furnish nonintoxicating beer and nonintoxicating craft beer in approved outdoor dining areas, and outdoor street dining areas if certain requirements are met; defining terms; authorizing in-person or in-vehicle pick up of purchased food or meals and nonintoxicating beer or nonintoxicating craft beer orders-to-go; creating an unlicensed brewer or home brewer temporary special license for providing samples at licensed fairs and festivals, specifying requirements, setting a license fee and requiring a nonintoxicating beer or nonintoxicating craft beer transportation permit; reducing the fee for a nonintoxicating beer or nonintoxicating craft beer floorplan extension; permitting licensees to employ persons 16 years of age in sale and service of liquor, beer, and wine when supervised by an employee who is 21 years of age or older; establishing the Agriculture Development Fund to fund the hard cider development program created to foster the development and growth of the hard cider industry in this state; creating a private liquor delivery license for retail liquor outlets and third parties with sale and delivery requirements; establishing a private liquor bottle delivery permit; authorizing retail liquor outlets to sell sealed bottles of liquor through a window in a drive-up or drive-through; creating a private manufacturer club license for distilleries, mini-distilleries, micro-distilleries, wineries, and farm wineries, setting forth requirements, and providing for a license fee; authorizing distilleries, mini-distilleries, and micro-distilleries to also operate wineries, farm wineries, brewers, and resident brewers; authorizing wineries and

farm wineries to operate and be licensed as distilleries, mini-distilleries, micro-distilleries, to operate and be licensed as wineries, farm wineries, brewery, or as resident brewers; removing prohibition against a single person having more than one winery or farm winery license or both a winery and farm winery license; declaring that agricultural use designation is unchanged for building code and property tax classification upon opening any type of distillery or winery; establishing a private direct shippers license to allow distilleries, mini-distilleries and micro-distilleries to ship liquor in state and out of state; providing license requirements, shipping requirements, limitations, and fees; authorizing the ability to pre-mix alcoholic liquors, establishing certain requirements, and creating a permit; creating a private direct shipper license, setting forth requirements and providing for a license fee; creating private caterer license, a private club bar license, a private club restaurant license, a private manufacturer club license, a private farmers market license, a private multi-sport complex license, a private tennis club license, a private professional sports stadium license, a private wedding venue or barn license, a one-day charitable rare, antique, or vintage liquor auction license for charitable purposes, and a private multi-vendor fair and festival license and setting forth requirements and providing for license fees; reducing license fees for two years due to Covid -19 pandemic; creating private outdoor dining and private outdoor street dining areas as legally demarcated areas that are not a public place where a private club licensee may sell and furnish alcoholic liquors; authorizing and creating craft cocktail growlers and setting forth requirements and limitations, and exempting certain licenses from a license fee; creating a private cocktail delivery license for licensed private club restaurants, private manufacturer clubs and third parties, setting forth requirements, including specific requirements for craft cocktail growlers, specifying limitations, and requiring a private cocktail delivery permit for delivery vehicles; authorizing in-person or in-vehicle pick up of purchased food or a meal and craft cocktail growler orders-to-go; providing for wine definitions to clarify various aspects of wine, including the alcohol by volume percentage for table wine, wine, and fortified wine; removing restriction on number of one-day licenses which may be issued in a single year

to a nonprofit to sell and serve wine and requiring applicant to file state regarding gross proceeds; clarifying penalties for failure to meet wine licensure requirements; replacing wine bond requirements that secure the payment of taxes by distributors, suppliers, certain wineries, and certain farm wineries, who are acting as either suppliers or distributors in a limited capacity, with an affidavit of compliance; providing penalties for failure to pay taxes and maintain good standing with the state; authorizing wineries and farm wineries to sell wine growlers and provide samples and establishing requirements and limitations; authorizing certain Class A and Class B licensees to sell sealed wine and wine growlers, and setting forth requirements and limitations; authorizing legislative rules; creating a private wine delivery license for Class A wine licensees and third parties, setting forth requirements and limitations, providing fees for certain licensees; creating a private wine retail transportation permit, setting forth requirements, and requiring no additional fee; creating private wine outdoor dining and private wine outdoor street dining areas as legally demarcated areas that are not a public place where wine may be sold and furnished; authorizing in-person or in-vehicle pick up of purchased food or a meal and wine orders-to-go; defining the term 'hard cider'; providing that there is no separate license required to manufacture and sell hard cider under certain conditions; providing for a hard cider distributor's license and its fee and permitting other current and valid licensees to distribute hard cider without an additional license fee; providing for hard cider exemptions to the wine liter tax; establishing a hard cider gallon tax; providing for the application of West Virginia Tax Procedures and Administration Act and West Virginia Tax Crimes and Penalties Act to the hard cider gallon tax; providing for an internal effective date; providing for a tax credit against the hard cider tax; providing for applicability of other laws; requiring the filing of regular reports to the Tax Commissioner; providing for applications to import products necessary to manufacture hard cider under certain conditions; providing for hard cider sales for consumption on the licensed premises; providing for complimentary samples to be offered; establishing requirements for complimentary samples; permitting the sale of wine growlers; setting forth wine growler requirements, and providing a license

fee; and providing additional exceptions to the criminal penalty for the unlawful admission of children to dance house for certain private clubs with approved age verifications systems.”

With the further amendment sponsored by Delegate Summers being as follows:

On page 1, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3ss. County option election on forbidding nonintoxicating beer, wine, or alcoholic liquors to be sold, given, or dispensed after ~~10:00~~ 6:00 a.m. on Sundays.

~~Beginning July 1, 2019, the~~ The county commission of any county may conduct a county option election on the question of whether the sale or dispensing of nonintoxicating beer, wine, or alcoholic liquors in or on a licensed premises shall be allowed in the county beginning 1:00 p.m. on any Sunday, as provided in §11-16-18, ~~of this code, §60-7-12, of this code, and~~ §60-8-34 of this code, upon approval as provided in this section. The option election on this question may be placed on the ballot in each county at any primary or general election. The county commission of the county shall give notice to the public of the election by publication of the notice as a Class II-0 legal advertisement in compliance with the provisions of ~~§60-59-3~~ §59-3-1 et seq. of this code, and the publication area for publication shall be the county in which the election is to be held. The date of the last publication of the notice shall fall on a date within the period of the 14 consecutive days next preceding the election. On the local option election ballot shall be printed the following: ‘Shall the beginning hour at which nonintoxicating beer, wine, and alcoholic liquor be sold or dispensed for licensed on-premises ~~only~~ in _____ County on Sundays be changed from ~~10:00~~ 6:00 a.m. to 1:00 p.m.’

If approved by the voters this would forbid private clubs and restaurants licensed to sell and dispense nonintoxicating beer,

wine, and alcoholic liquor; licensed private wine restaurants, private wine spas, and private wine bed and breakfasts to sell and dispense wine; and licensed Class A retail dealers to sell and dispense nonintoxicating beer for on-premises consumption until 1:00 p.m.

Yes No

(Place a cross mark in the square opposite your choice.)

The ballots shall be counted, returns made and canvassed as in general elections, and the results certified by the commissioners of election to the county commission. The county commission shall, without delay, certify the result of the election. Upon receipt of the results of the election, in the event a majority of the votes are marked 'Yes', all applicable licensees shall be forbidden to sell and dispense beer, wine, or alcoholic liquors until 1:00 p.m. on Sundays. In the event a majority of the votes are marked 'No', all applicable licensees will continue to be required to comply with existing law.

CHAPTER 11. TAXATION.

ARTICLE 16. NONINTOXICATING BEER.

§11-16-6d. Nonintoxicating beer or nonintoxicating craft beer delivery license for a licensed Class A retail dealer or a third party; requirements; limitations; third party license fee; retail transportation permit; and requirements.

(a) A Class A retail dealer who is licensed to sell nonintoxicating beer or nonintoxicating craft beer may apply for a nonintoxicating beer or nonintoxicating craft beer delivery license permitting the order, sale, and delivery of nonintoxicating beer or nonintoxicating craft beer in a sealed original container of bottles or cans, and sealed growlers, when separately licensed for growler sales. The order, sale, and delivery of nonintoxicating beer or nonintoxicating craft beer is permitted for off-premises consumption when completed by the licensee or the licensee's employees to a person purchasing the nonintoxicating beer or nonintoxicating craft beer by telephone, a mobile ordering

application, or a web-based software program, as authorized by the licensee's license. There is no additional fee for licensed Class A retail dealers to obtain a nonintoxicating beer or nonintoxicating craft beer delivery license. The order, sale, and delivery process shall meet the requirements of this section. The order, sale, and delivery process is subject to the penalties of this article.

(b) A third party, not licensed for nonintoxicating beer or nonintoxicating craft beer sales or distribution, may apply for a nonintoxicating beer or nonintoxicating craft beer delivery license for the privilege and convenience to offer ordering and delivery services of nonintoxicating beer or nonintoxicating craft beer in the sealed original container of bottles or cans, and sealed growlers, from a licensee with a growler license. The order, sale, and delivery of nonintoxicating beer or nonintoxicating craft beer is permitted for off-premises consumption when the Class A retail dealer sells to a person purchasing the nonintoxicating beer or nonintoxicating craft beer through telephone orders, a mobile ordering application, or a web-based software program. The annual nonintoxicating beer or nonintoxicating craft beer delivery license fee is \$200 per third party entity, with no limit on the number of drivers and vehicles. The delivery license fee under this subsection may not be prorated nor refunded.

(c) The nonintoxicating beer or nonintoxicating craft beer delivery license application shall comply with licensure requirements in §11-16-8 of this code, and shall require any information set forth in this article and as reasonably required by the commissioner.

(d) *Sale Requirements.* -

(1) The nonintoxicating beer or nonintoxicating craft beer purchase shall accompany the purchase of prepared food or a meal and the completion of the sale may be accomplished by the delivery of the prepared food or meal and nonintoxicating beer or nonintoxicating craft beer by the Class A retail dealer or third party licensee;

(2) Any person purchasing nonintoxicating beer or nonintoxicating craft beer shall be 21 years of age or older, shall not be visibly or noticeably intoxicated at the time of delivery, and shall meet the requirements set forth in this article for the sale of nonintoxicating beer or nonintoxicating craft beer;

(3) 'Prepared food or a meal' shall, for purposes of this article, mean food that has been cooked, grilled, fried, deep-fried, air-fried, smoked, boiled, broiled, twice baked, blanched, sautéed, or in any other manner freshly made and prepared, and does not include pre-packaged food from the manufacturer;

(4) An order, sale, or delivery consisting of multiple meals shall not amount to any combination of bottles, cans, or sealed growlers in excess of 384 fluid ounces of nonintoxicating beer or nonintoxicating craft beer; and

(5) A third party delivery licensee may not have a pecuniary interest in a Class A retail dealer, as set forth in this article, therefore a third party delivery licensee may only charge a convenience fee for the delivery of any nonintoxicating beer or nonintoxicating craft beer. The third party licensee may not collect a percentage of the delivery order for the delivery of alcohol, but may continue to collect a percentage of the delivery order directly related to the prepared food or a meal. The convenience fee charged by the third party delivery licensee to the person purchasing may not be greater than five dollars per delivery order where nonintoxicating beer or nonintoxicating craft beer are ordered by the purchasing person. For any third party licensee also licensed for wine growler delivery as set forth in §60-8-6c of the code, or craft cocktail growler delivery as set forth in §60-7-8f of the code, the total convenience fee of any order, sale, and delivery of a sealed growler, wine growler, or craft cocktail growler shall not exceed five dollars.

(e) Delivery Requirements. -

(1) Delivery persons employed for the delivery of nonintoxicating beer or nonintoxicating craft beer shall be 21 years of age or older. The licensed Class A retail dealer and the third

party delivery licensee shall file each delivery person's name, driver's license, and vehicle information with the commissioner;

(2) A Class A retail dealer or third party delivery licensee shall train delivery persons on verifying legal identification and in identifying the signs of intoxication and shall submit certification of the training to the commissioner;

(3) The Class A retail dealer or third party delivery licensee shall hold a retail transportation permit for each delivery vehicle delivering sealed nonintoxicating beer or nonintoxicating craft beer pursuant to §11-16-6d(g) of this code: *Provided*, That a delivery driver may retain an electronic copy of his or her permit;

(4) A Class A retail dealer or third party delivery licensee may only deliver prepared food or a meal, and sealed nonintoxicating beer or nonintoxicating craft beer orders in the county or contiguous counties where the Class A retail dealer is located;

(5) A Class A retail dealer or third party delivery licensee may only deliver prepared food or a meal, and sealed nonintoxicating beer or nonintoxicating craft beer to addresses located in West Virginia. A Class A retail dealer or third party delivery licensee shall pay and account for all sales and municipal taxes;

(6) A Class A retail dealer or third party delivery licensee may not deliver prepared food or a meal, and nonintoxicating beer or nonintoxicating craft beer to any other Class A licensee;

(7) A Class A retail dealer or third party delivery licensee may only deliver prepared food or a meal, and sealed nonintoxicating beer or nonintoxicating craft beer for personal use, and not for resale; and

(8) A Class A retail dealer or third party delivery licensee shall not deliver and leave prepared food or a meal, and sealed nonintoxicating beer or nonintoxicating craft beer at any address without verifying a person's age and identification as required by this section.

(f) Telephone, mobile ordering application, or web-based software requirements. -

(1) The delivery person may only permit the person who placed the order through a telephone, mobile ordering application, or web-based software to accept the prepared food or a meal, and nonintoxicating beer or nonintoxicating craft beer delivery which is subject to age verification upon delivery with the delivery person's visual review and age verification and, as applicable, a stored scanned image of the purchasing person's legal identification;

(2) Any mobile ordering application or web-based software used shall create a stored record and image of the purchasing person's legal identification and details of the sale, accessible by the delivery person for verification, and shall include the delivery driver's name and vehicle information;

(3) Any telephone ordering system shall maintain a log or record of the purchasing person's legal identification and details of the sale, accessible by the delivery person for verification, and shall include the delivery driver's name and vehicle information;

(4) All records are subject to inspection by the commissioner. A Class A retail dealer or third party delivery licensee shall retain all records for three years, and may not unreasonably withhold the records from the commissioner's inspection; and

(5) Each vehicle delivering nonintoxicating beer or nonintoxicating craft beer must be issued a retail transportation permit per §11-16-6d(g) of this code.

(g) Retail Transportation Permit. -

(1) A Class A retail dealer or third party delivery licensee shall obtain and maintain a retail transportation permit for the delivery of prepared food and nonintoxicating beer or nonintoxicating craft beer.

(2) A Class A retail dealer or a third party licensee shall apply for a permit and provide vehicle and driver information, as required

by the commissioner. Upon any change in vehicles or drivers, the Class A retail dealer or third party delivery licensee shall update the vehicle and driver information with the commissioner within 10 days of the change.

(h) *Enforcement.* -

(1) A Class A retail dealer or third party delivery licensee are responsible for any violations committed by their employees or independent contractors under this article, and more than one violation may be issued for a single violation involving multiple Class A retail dealers or licensees, employees, or independent contractors.

(2) A license or permit granted by this section is subject to the penalties of probation, monetary fines, suspension, and revocation, as set forth in this article, for violations committed by the Class A retail dealer or third party delivery licensee, its employees, or independent contractors.

(3) It is a violation for any licensee, its employees, or independent contractors to break the seal of a growler subject to the maximum penalties available in this article.

(4) For purposes of criminal enforcement of the provisions of this article, persons ordering, purchasing, or accepting delivery of orders are considered to be purchasers.

§11-16-6e. License required for sale and shipment of nonintoxicating beer or nonintoxicating craft beer by a brewer or resident brewer; shipment of limited quantities of nonintoxicating beer or nonintoxicating craft beer; requirements; license fee; and penalties.

(a) *Authorization.* - Notwithstanding the provisions of this article or any other law to the contrary, any person that is currently licensed and in good standing in its domicile state as a brewer, resident brewer, other nonintoxicating beer or nonintoxicating craft beer manufacturer, and who also obtains a nonintoxicating beer or nonintoxicating craft beer direct shipper's license from the commissioner, as provided in this article, may sell and ship

nonintoxicating beer or nonintoxicating craft beer brewed by the brewer, resident brewer, other nonintoxicating beer or nonintoxicating craft beer manufacturer by mail to a purchasing person who is 21 years of age or older, for personal use, and not for resale. A nonintoxicating beer or nonintoxicating craft beer direct shipper may ship nonintoxicating beer or nonintoxicating craft beer by mail to a purchasing person who is 21 years of age or older who purchases nonintoxicating beer or nonintoxicating craft beer, subject to the requirements of this article, in and throughout West Virginia. A nonintoxicating beer or nonintoxicating craft beer direct shipper may sell and ship nonintoxicating beer or nonintoxicating craft beer out of this state by mail to a purchasing person who is 21 years of age or older subject to the recipient state's or country's requirements, laws, and international laws.

(b) License requirements. – Before sending any shipment of nonintoxicating beer or nonintoxicating craft beer to a purchasing person who is 21 years of age or older, the nonintoxicating beer or nonintoxicating craft beer direct shipper must first:

(1) File a license application with the commissioner with the appropriate background check information, using forms required by the commissioner. Criminal background checks will not be required of applicants licensed in their state of domicile who can provide a certificate of good standing from their state of domicile;

(2) Pay to the commissioner the \$250 non-prorated and nonrefundable annual license fee to ship and sell only nonintoxicating beer or nonintoxicating craft beer;

(3) Obtain a business registration number from the Tax Commissioner;

(4) Register with the office of the Secretary of State;

(5) Provide the commissioner a true copy of its current active license issued in the state of domicile, proving that the nonintoxicating beer or nonintoxicating craft beer direct shipper is licensed in its state of domicile as a brewer, resident brewer, or

other nonintoxicating beer or nonintoxicating craft beer manufacturer;

(6) Obtain from the commissioner a nonintoxicating beer or nonintoxicating craft beer direct shipper's license;

(7) Submit to the commissioner a list of all brands and labels of nonintoxicating beer or nonintoxicating craft beer to be shipped to West Virginia and attest that all nonintoxicating beer or nonintoxicating craft beer brands and labels are manufactured by the brewer, resident brewer or other nonintoxicating beer or nonintoxicating craft beer manufacturer seeking licensure and are not counterfeit or adulterated nonintoxicating beer or nonintoxicating craft beer;

(8) Attest that the brewer, resident, brewer or other nonintoxicating beer or nonintoxicating craft beer manufacturer brews less than 25,000 barrels of beer per calendar year and provide documentary evidence along with the attestation.

(9) Meet all other licensing requirements of this chapter and provide any other information that the commissioner may reasonably require.

(c) *Shipping Requirements.* - All nonintoxicating beer or nonintoxicating craft beer direct shipper licensees shall:

(1) Not ship more than a maximum of two, 24 bottle or can, cases of nonintoxicating beer or nonintoxicating craft beer based on a 12-fluid ounce bottle or can, however no combination of bottles or cans may exceed a total for the two cases of 576 fluid ounces of nonintoxicating beer residing in West Virginia, for such person's personal use and consumption, and not for resale.

(2) Not ship to any licensed brewers, resident brewers, retailers, retail liquor outlets, any type of private club, private caterers, private wine restaurants, private wine spas, private wine bed and breakfasts, wine retailers, wine specialty shops, taverns, or other licensees licensed under this article or chapter 60 of this code;

(3) Ensure that all containers of nonintoxicating beer or nonintoxicating craft beer shipped directly to a purchasing person who is 21 years of age or older are clearly and conspicuously labeled with the words ‘CONTAINS ALCOHOL: SIGNATURE OF PERSON 21 OR OLDER REQUIRED FOR DELIVERY’;

(4) Not ship nonintoxicating beer or nonintoxicating craft beer that has not been registered with the commissioner, register and pay any registration fees, and prove by documentation that the direct shipper has the rights from the manufacturer to ship the nonintoxicating beer or nonintoxicating craft beer;

(6) Not ship or deliver to:

(A) Any person under the age of 21;

(B) To an intoxicated person; or

(C) To a person physically incapacitated due to the consumption of nonintoxicating beer or nonintoxicating craft beer, wine, or liquor, or the use of drugs;

(7) Obtain a written or electronic signature upon delivery to a person who the nonintoxicating beer or nonintoxicating craft beer direct shipper’s carrier verifies in-person is at least 21 years of age or older, and if the carrier is not able to verify the age of the person and obtain that person’s signature, then the carrier may not complete the delivery of the nonintoxicating beer or nonintoxicating craft beer shipment;

(8) Utilize a licensed and bonded shipping carrier who has obtained a transportation permit as specified in §60-6-12 of the code;

(9) First deliver any nonintoxicating beer or nonintoxicating craft beer shipment being shipped in and throughout West Virginia to the nonintoxicating beer or nonintoxicating craft beer brand’s nearest appointed distributor who has the nonintoxicating beer or nonintoxicating craft beer brand’s franchise territory located in the purchasing person’s county of residence in West Virginia: *Provided, That, if no distributor has been appointed for the*

nonintoxicating beer or nonintoxicating craft beer brand, then the brewer of the brand shall appoint a franchise distributor in the franchise territory where the purchasing person of the nonintoxicating beer or nonintoxicating craft beer resides;

(10) Have the appointed distributor complete any nonintoxicating beer or nonintoxicating craft beer shipment order with an in-person pickup, at the location of appointed distributor's distributorship, to the purchasing person subject to age and identity verification by the appointed distributor: *Provided, That, the appointed distributor is not a retailer, and therefore cannot charge an additional fee for the in-person pickup for the nonintoxicating beer or nonintoxicating craft beer shipment as this would be considered a part of the service provided under the appointed distributor's franchise agreement.*

(d) *Payment of Fees and Taxes.*

(1) Any nonintoxicating beer or nonintoxicating craft beer direct shipper licensee must meet the markup requirements for retail sales set forth in §47-11A-6 of the code.

(2) Further, the nonintoxicating beer or nonintoxicating craft beer direct shipper licensee shall collect and remit all beer barrel tax, state sales tax, and local sales tax on the sale of nonintoxicating beer or nonintoxicating craft beer to the Tax Commissioner at the close of each month and file a monthly return, on a form provided by the Tax Commissioner, reflecting the taxes paid for all sales and shipments to persons residing in West Virginia. No nonintoxicating beer or nonintoxicating craft beer direct shipper shall pay any beer barrel or sales tax more than once.

(3) File monthly returns to the commissioner showing the total of nonintoxicating beer or nonintoxicating craft beer, by type, brand, sold, and shipped into West Virginia for the preceding month;

(4) Permit the Tax Commissioner or commissioner or their designees to perform an audit of the nonintoxicating beer or nonintoxicating craft beer direct shipper's records upon request;

(5) The payment of fees to the commissioner and taxes to the Tax Commissioner may be in addition to fees and taxes levied by the nonintoxicating beer or nonintoxicating craft beer direct shipper's domicile state.

(6) No nonintoxicating beer or nonintoxicating craft beer direct shipper will be required to pay any fees to the commissioner or taxes to the Tax Commissioner more than once.

(e) *Jurisdiction.* - By obtaining a nonintoxicating beer or nonintoxicating craft beer direct shipper licensee the licensee shall be considered to have agreed and consented to the jurisdiction of the commissioner, which is Charleston, West Virginia and the Kanawha County circuit court, concerning enforcement of this chapter and any other related laws or rules.

(f) *Records and reports.* -

(1) Licensed nonintoxicating beer or nonintoxicating craft beer direct shippers must maintain accurate records of all shipments sent to West Virginia.

(2) Provide proof or records to the commissioner, upon request, that all direct shipments of liquor were purchased and delivered to a purchasing person who is 21 years of age or older.

(g) The nonintoxicating beer or nonintoxicating craft beer direct shipper may annually renew its license with the commissioner by application, paying the nonintoxicating beer or nonintoxicating craft beer direct shipper license fee and providing the commissioner with a true copy of a current brewer, resident brewer, or other nonintoxicating beer or nonintoxicating craft beer manufacturer's license from the nonintoxicating beer or nonintoxicating craft beer direct shipper's domicile state.

(h) The commissioner may promulgate rules to effectuate the purposes of this law.

(i) *Penalties.* -

(1) The commissioner may enforce the requirements of this chapter by administrative proceedings as set forth in §11-16-23 and §11-16-24 of this code to suspend or revoke a nonintoxicating beer or nonintoxicating craft beer direct shipper's license, and the commissioner may accept payment of a penalties as set forth in §11-16-23 and §11-16-24 of this code or an offer in compromise in lieu of suspension, at the commissioner's discretion. Hearings and appeals on such notices may be had in the same manner as in the case of revocations of licenses set forth in §11-16-23 and §11-16-24a of this code.

(2) If any licensee violates the provisions of this article, the commissioner may determine to suspend the privileges of the brewer, resident brewer, or other nonintoxicating beer or nonintoxicating craft beer manufacturer to sell, ship, or deliver nonintoxicating beer or nonintoxicating craft beer to a purchasing person who is 21 years of age or older or to the commissioner, or otherwise engage in the liquor business in this state for a period of one year from the date a notice is mailed to such person by the commissioner of the fact that such person has violated the provisions of this article. During such one-year period, it shall be unlawful for any person within this state to knowingly buy or receive nonintoxicating beer or nonintoxicating craft beer from such licensee or to have any dealings with such licensee with respect thereto.

(k) *Criminal Penalties.* – A shipment of nonintoxicating beer or nonintoxicating craft beer directly to citizens in West Virginia from persons who do not possess a valid nonintoxicating beer or nonintoxicating craft beer direct shipper's license is prohibited. Any person who knowingly makes, participates in, transports, imports, or receives such an unlicensed and unauthorized direct shipment of nonintoxicating beer or nonintoxicating craft beer is guilty of a felony and, shall, upon conviction thereof, be fined in an amount not to exceed \$10,000 per violation. Without limitation on any punishment or remedy, criminal or civil, any person who knowingly makes, participates in, transports, imports, or receives such a direct shipment constitutes an act that is an unfair trade practice.

§11-16-6f. Nonintoxicating beer or nonintoxicating craft beer delivery license for a licensed Class B retail dealer or a third party; requirements; limitations; third party license fee; retail transportation permit; and requirements.

(a) A Class B retail dealer who is licensed to sell nonintoxicating beer or nonintoxicating craft beer may apply for a nonintoxicating beer or nonintoxicating craft beer delivery license permitting the order, sale, and delivery of nonintoxicating beer or nonintoxicating craft beer in a sealed original container of bottles or cans, and sealed growlers, when separately licensed for growler sales. The order, sale, and delivery of nonintoxicating beer or nonintoxicating craft beer is permitted for off-premises consumption when completed by the licensee or the licensee's employees to a person purchasing the nonintoxicating beer or nonintoxicating craft beer by a telephone, a mobile ordering application, or web-based software program, as authorized by the licensee's license. There is no additional fee for licensed Class B retail dealers to obtain a nonintoxicating beer or nonintoxicating craft beer delivery license. The order, sale, and delivery process shall meet the requirements of this section. The order, sale, and delivery process is subject to the penalties of this article.

(b) A third party, not licensed for nonintoxicating beer or nonintoxicating craft beer sales or distribution, may apply for a nonintoxicating beer or nonintoxicating craft beer delivery license for the privilege and convenience to offer ordering and delivery services of nonintoxicating beer or nonintoxicating craft beer in the sealed original container of bottles or cans, and sealed growlers, from a licensee with a growler license. The order, sale, and delivery of nonintoxicating beer or nonintoxicating craft beer is permitted for off-premises consumption when the Class B retail dealer sells to a person purchasing the nonintoxicating beer or nonintoxicating craft beer through a telephone order, a mobile ordering application, or web-based software program. The nonintoxicating beer or nonintoxicating craft beer delivery annual license fee is \$200 per third party licensee, with no limit on the number of drivers and vehicles. The delivery license fee under this subsection may not be prorated nor refunded.

(c) The nonintoxicating beer or nonintoxicating craft beer delivery license application shall comply with licensure requirements in §11-16-8 of this code and shall require any information set forth in this article and as reasonably required by the commissioner.

(d) Sale Requirements. -

(1) The nonintoxicating beer or nonintoxicating craft beer purchase shall accompany the purchase of food and the completion of the sale may be accomplished by the delivery of food and nonintoxicating beer or nonintoxicating craft beer by the licensee or third party licensee;

(2) Any person purchasing nonintoxicating beer or nonintoxicating craft beer shall be 21 years of age or older, shall not be visibly or noticeably intoxicated at the time of delivery, and meet the requirements set forth in this article for the sale of nonintoxicating beer or nonintoxicating craft beer;

(3) Food, for purposes of this section, means food that has been cooked, microwaved, or that is pre-packaged food from the manufacturer;

(4) An order, sale, or delivery consisting of food and any combination of sealed nonintoxicating beer or nonintoxicating craft beer bottles, cans, or growlers shall not be in excess of 384 fluid ounces of nonintoxicating beer or nonintoxicating craft beer; and

(5) A third party delivery licensee shall not have a pecuniary interest in a Class B retail dealer, as set forth in this article. A third party delivery licensee may only charge a convenience fee for the delivery of any nonintoxicating beer or nonintoxicating craft beer. The third party licensee may not collect a percentage of the delivery order for the delivery of nonintoxicating beer or nonintoxicating craft beer, but may continue to collect a percentage of the delivery order directly related to food. The convenience fee charged by the third party delivery licensee to the purchasing person may not be greater than five dollars per delivery order. For

any third party licensee also licensed for wine delivery as set forth in §60-8-6f of this code the total convenience fee for any order, sale, and delivery of sealed wine may not exceed five dollars.

(e) *Delivery Requirements.* -

(1) Delivery persons employed for the delivery of nonintoxicating beer or nonintoxicating craft beer shall be 21 years of age or older. A Class B retail dealer and a third party licensee shall file each delivery person's name, driver's license, and vehicle information with the commissioner;

(2) A Class B retail dealer and a third party licensee shall train delivery persons on verifying legal identification and in identifying the signs of intoxication and submit the certification of the training to the commissioner;

(3) The Class B retail dealer or third party delivery licensee shall hold a retail transportation permit for each delivery vehicle delivering sealed nonintoxicating beer or nonintoxicating craft beer pursuant to §11-16-6f(g) of this code: *Provided*, That a delivery driver may retain an electronic copy of his or her permit as proof of the licensure;

(4) A Class B retail dealer and a third party licensee may deliver food and sealed nonintoxicating beer or nonintoxicating craft beer orders in the county where the Class B retail dealer is located;

(5) A Class B retail dealer and a third party licensee may only deliver food and sealed nonintoxicating beer or nonintoxicating craft beer to addresses located in West Virginia. A Class B retail dealer and a third party licensee shall pay and account for all sales and municipal taxes;

(6) A Class B retail dealer and a third party licensee may not deliver food and nonintoxicating beer or nonintoxicating craft beer to any other Class B licensee;

(7) Deliveries of food and sealed nonintoxicating beer or nonintoxicating craft beer are only for personal use, and not for resale; and

(8) A Class B retail dealer and a third party licensee shall not deliver and leave food and sealed nonintoxicating beer or nonintoxicating craft beer at any address without verifying a person's age and identification as required by this section.

(f) Telephone, mobile ordering application, or web-based software requirements. -

(1) The delivery person may only permit the person who placed the order through a telephone, mobile ordering application, or web-based software to accept the food and nonintoxicating beer or nonintoxicating craft beer delivery. The delivery is subject to age verification upon delivery with the delivery person's visual review and age verification and, as applicable, requires a stored scanned image of the purchasing person's legal identification;

(2) Any mobile ordering application or web-based software used must create a stored record and image of the purchasing person's legal identification and details of the sale, accessible by the delivery person for verification, and shall include the delivery driver's name and vehicle information;

(3) Any telephone ordering system shall maintain a log or record of the purchasing person's legal identification and details of the sale, accessible by the delivery person for verification, and shall include the delivery driver's name and vehicle information;

(4) All records are subject to inspection by the commissioner. A Class B retail dealer and a third party licensee shall retain all records for three years, and may not unreasonably withhold the records from the commissioner's inspection; and

(5) Each vehicle delivering nonintoxicating beer or nonintoxicating craft beer shall be issued a retail transportation permit in accordance with §11-16-6f(g) of this code.

(g) Retail Transportation Permit. -

(1) A Class B retail dealer and a third party licensee shall obtain and maintain a retail transportation permit for the delivery of food and nonintoxicating beer or nonintoxicating craft beer.

(2) A Class B retail dealer or a third party licensee shall apply for a permit and provide vehicle and driver information, required by the commissioner. Upon any change in vehicles or drivers, Class B retail dealer and a third party licensee shall update the vehicle and driver information with the commissioner within 10 days of the change.

(h) *Enforcement.* -

(1) The Class B retail dealer and a third party licensee are responsible for any violations committed by their employees or independent contractors under this article, and more than one violation may be issued for a single violation involving multiple Class B retail dealers or third party licensees, employees, or independent contractors.

(2) A license or permit granted by this section is subject to the penalties of probation, monetary fines, suspension, and revocation, as set forth in this article, for violations committed by the Class B retail dealer or third party licensee, their employees, or independent contractors.

(3) It is a violation for any Class B retail dealer or third party licensee, their employees, or independent contractors to break the seal of a growler subject to the maximum penalties available in this article.

(4) For purposes of criminal enforcement of the provisions of this article, persons ordering, purchasing, or accepting delivery of orders are considered to be purchasers.

§11-16-9. Amount of license tax; Class A and Class B retail dealers; purchase and sale of nonintoxicating beer permitted; distributors; brewers; brewpubs.

(a) All retail dealers, distributors, brewpubs, brewers, and resident brewers of nonintoxicating beer and of nonintoxicating

craft beer shall pay an annual fee to maintain an active license as required by this article. The license period begins on July 1 of each year and ends on June 30 of the following year. If the license is granted for a shorter period, then the license fee shall be computed semiannually in proportion to the remainder of the fiscal year: *Provided*, That if a licensee fails to complete a renewal application and make payment of its annual license fee in renewing its license on or before June 30 of any subsequent year, ~~after initial application~~, then an additional \$150 reactivation fee shall be charged and paid by the licensee; the fee may not be prorated or refunded, prior to the processing of any renewal application and applicable full year annual license fee; and furthermore a licensee who continues to operate ~~upon~~ after the expiration of its license is subject to all fines, penalties, and sanctions available in §11-16-23 of this code, all as determined by the commissioner.

(b) The annual license fees are as follows:

(1) Retail dealers shall be divided into two classes: Class A and Class B.

(A) For a Class A retail dealer, the license fee is \$150 for each place of business; the license fee for social, fraternal, or private clubs not operating for profit, and ~~having which have~~ been in continuous operation for two years or more immediately preceding the date of application, is \$150: *Provided*, That railroads operating in this state may dispense nonintoxicating beer upon payment of an annual license tax of \$10 for each dining, club, or buffet car in which the beer is dispensed.

Class A licenses issued for railroad dining, club, or buffet cars authorize the licensee to sell nonintoxicating beer at retail for consumption only on the licensed premises where sold. All other Class A ~~licenses authorize the licensee to~~ licensees may sell nonintoxicating beer or nonintoxicating craft beer at retail, as licensed, for consumption on the licensed premises or off the licensed premises. Class A licensees may sell nonintoxicating beer or nonintoxicating craft beer for consumption off the licensed premises when it is in a sealed original container and sold for personal use, and not for resale. Class A licensees shall provide

prepared food or meals along with sealed nonintoxicating beer or nonintoxicating craft beer in the original container or in a sealed growler as set forth for sales and service in §11-16-6d of this code, to a purchasing person who is in-person or in-vehicle picking up prepared food or a meal, and sealed nonintoxicating beer or nonintoxicating craft beer orders-to-go, subject to verification that the purchasing person is 21 years of age or older, and not visibly or noticeably intoxicated, and as otherwise specified in this article.

(B) For a Class B retail dealer, the license fee, authorizing the sale of both chilled and unchilled beer, is \$150 for each place of business. A Class B license authorizes the licensee to sell nonintoxicating beer at retail in bottles, cans, or other sealed containers only, and only for consumption off the licensed premises. A Class B retailer may sell to a ~~patron~~ purchasing person, for personal use, and not for resale, quantities of draught beer in original containers that are no larger in size than one-half barrel for off-premises consumption.

The Commissioner may only issue a ~~A Class B license may be issued only~~ to the proprietor or owner of a grocery store. For the purpose of this article, the term ‘grocery store’ means any retail establishment commonly known as a grocery store or delicatessen, and caterer or party supply store, where food or food products are sold for consumption off the premises, and includes a separate and segregated portion of any other retail store which is dedicated solely to the sale of food, food products, and supplies for the table for consumption off the premises. Caterers or party supply stores ~~are required to~~ shall purchase the appropriate licenses from the Alcohol Beverage Control Administration.

(C) A Class A retail dealer may contract, purchase, or develop a mobile ordering application or web-based software program to permit the ordering and purchase of nonintoxicating beer or nonintoxicating craft beer, as authorized by the licensee’s license. The nonintoxicating beer or nonintoxicating craft beer shall be in a sealed original container or a sealed growler and meet the requirements of §11-16-6d of this code.

(2) For a distributor, the license fee is \$1,000 for each place of business.

(3) For a brewer or a resident brewer with its principal place of business or manufacture located in this state and who produces:

(A) Twelve thousand five hundred barrels or less of nonintoxicating beer or nonintoxicating craft beer, the license fee is \$500 for each place of manufacture;

(B) Twelve thousand five hundred one barrels and up to 25,000 barrels of nonintoxicating beer or nonintoxicating craft beer, the license fee is \$1,000 for each place of manufacture;

(C) More than 25,001 barrels of nonintoxicating beer or nonintoxicating craft beer, the license fee is \$1,500 for each place of manufacture.

(4) For a brewer whose principal place of business or manufacture is not located in this state, the license fee is \$1,500. The brewer is exempt from the requirements set out in subsections (c), (d),₂ and (e) of this section: *Provided*, That a brewer whose principal place of business or manufacture is not located in this state that produces less than 25,000 barrels of nonintoxicating beer or nonintoxicating craft beer may choose to apply, in writing, to the commissioner to be subject to the variable license fees of subdivision (3), subsection (b) of this section and the requirements set out in subsections (c), (d),₂ and (e) of this section subject to investigation and approval by the commissioner as to brewer requirements.

(5) For a brewpub, the license fee is \$500 for each place of manufacture.

(c) As part of the application or renewal application and in order to determine a brewer or resident brewer's license fee pursuant to this section, a brewer or resident brewer shall provide the commissioner, on a form provided by the commissioner, with an estimate of the number of nonintoxicating beer or nonintoxicating craft beer barrels and gallons it ~~will~~ may produce during the year based upon the production capacity of the brewer's

or resident brewer's manufacturing facilities and the prior year's production and sales volume of nonintoxicating beer or nonintoxicating craft beer.

(d) On or before July 15 of each year, every brewer, or resident brewer who is granted a license shall file a final report, on a form provided by the commissioner, that is dated as of June 30 of ~~each~~ that year, stating the actual volume of nonintoxicating beer or nonintoxicating craft beer in barrels and gallons produced at its principal place of business and manufacture during the prior year.

(e) If the actual total production of nonintoxicating beer or nonintoxicating craft beer by the brewer or resident brewer exceeded the brewer's or resident brewer's estimate that was filed with the application or renewal application for a brewer's or resident brewer's license for that period, then the brewer or resident brewer shall include a remittance for the balance of the license fee pursuant to this section that would be required for the final, higher level of production.

(f) Any brewer or resident brewer failing to file the reports required in subsections (c) and (d) of this section, and who is not exempt from the reporting requirements, shall, at the discretion of the commissioner, be subject to the penalties set forth in §11-16-23 of this code.

(g) Notwithstanding subsections (a) and (b) of this section, the license fee per event for a nonintoxicating beer floor plan extension is \$50 ~~\$100~~, and the fee may not be prorated or refunded., ~~and must be accompanied with a license~~ A licensee shall submit an application, certification that the event meets certain requirements in the this code and rules, and such any other information as required by the commissioner may reasonably require, at least 15 days prior to the event, all as determined by the commissioner.

(h) Notwithstanding subsections (a) and (b) of this section, a Class A retail dealer, in good standing with the commissioner, may apply, on a form provided by the commissioner, to sell, serve, and furnish nonintoxicating beer or nonintoxicating craft beer for on-premises consumption in an outdoor dining area or outdoor street

dining area, as authorized by any municipal government or county commission in the which the licensee operates. The Class A retail dealer shall submit to the municipal government or county commission, for approval, a revised floorplan and a request to sell and serve nonintoxicating beer or nonintoxicating craft beer, subject to the commissioner's requirements, in an approved outdoor area. For private outdoor street dining, or private outdoor dining, the approved and bounded outdoor area need not be adjacent to the licensee's licensed premises, but in close proximity and under the licensee's control with right of ingress and egress. For purposes of this section, 'close proximity' means an available area within 150 feet of the Class A retail dealer's licensed premises. A Class A retail dealer may operate a nonintoxicating beer or nonintoxicating craft beer outdoor dining or outdoor street dining in conjunction with a temporary private outdoor dining or temporary private outdoor street dining area set forth in §60-7-8d of this code and temporary private wine outdoor dining or temporary private wine outdoor street dining set forth in §60-8-32a of this code.

(i) For purposes of this article, 'nonintoxicating beer or nonintoxicating craft beer outdoor dining and nonintoxicating beer or nonintoxicating craft beer outdoor street dining' includes dining areas that are:

(1) Outside and not served by an HVAC system for air handling services and use outside air;

(2) Open to the air; and

(3) Not enclosed by fixed or temporary walls; however, the commissioner may seasonally approve a partial enclosure with up to three temporary or fixed walls.

Any area where seating is incorporated inside a permanent building with ambient air through HVAC is not considered outdoor dining pursuant to this subsection.

§11-16-11c. Unlicensed brewer or unlicensed home brewer temporary license; fees; requirements.

(a) An unlicensed brewer or home brewer may obtain a temporary special license, upon meeting the requirements set forth in this section, to offer its nonintoxicating beer or nonintoxicating craft beer for sampling and sales at a fair and festival licensed under §11-16-11 and §11-16-11b of this code, when granted approval by the fair and festival licensee. The unlicensed brewer or home brewer is exempt from the requirements of registering the brand and using a distributor and a franchise agreement due to the limited nature of this temporary license.

(b) An unlicensed brewer or home brewer is subject to the limits, taxes, fees, requirements, restrictions, and penalties set forth in this article: *Provided*, That the commissioner may, by rule or order, provide for certain waivers or exceptions with respect to the provisions, laws, rules, or orders as required by the circumstances of each festival or fair. The commissioner may revoke or suspend any license issued pursuant to this section prior to any notice or hearing, notwithstanding the provisions §11-16-23 and §11-16-24 of this code: *Provided, however*, That under no circumstances shall the provisions of §11-16-8(a)(1), §11-16-8(a)(2), and §11-16-8(a)(3) of this code, be waived nor shall any exception be granted with respect to those provisions.

(c) A brewer or home brewer, regardless of its designation in its domicile state, that is duly licensed and in good standing in its domicile state, but unlicensed in this state, or an unlicensed brewer or home brewer that is a resident of West Virginia, shall pay a \$150 nonrefundable and non-prorated fee and submit an application for a temporary license on a one-day basis. The temporary special license allows the unlicensed brewer or home brewer to sell nonintoxicating beer or nonintoxicating craft beer to a licensed fair or festival for the sampling and sale of the nonintoxicating beer or nonintoxicating craft beer for on-premises consumption at the licensed fair or festival. The brewer or home brewer shall pay all taxes due and the appropriate markup on the nonintoxicating beer or nonintoxicating craft beer.

(2) The unlicensed brewer or home brewer temporary license application shall include, but is not limited to, the person or entity's name, address, taxpayer identification number, and location; if the unlicensed brewer or home brewer is from out of state, a copy of its licensure in its domicile state; a signed and notarized verification that it produces 25,000 barrels or less of nonintoxicating beer or nonintoxicating craft beer per year; a signed and notarized verification that it is in good standing with its domicile state; copies of its federal certificate of label approvals and a certified lab alcohol analysis for the nonintoxicating beer or nonintoxicating craft beer it plans to sell to a fair or festival licensed under §11-16-11 and §11-16-11b of this code; and any other information required by the commissioner.

(3) The applicant shall include in its application a list of all nonintoxicating beers or nonintoxicating craft beers it proposes to provide, in sealed containers, to a licensed fair or festival for sampling or sale so that the commissioner may review them in the interest of public health and safety. Once approved, the submitted nonintoxicating beer or nonintoxicating craft beer list creates a temporary nonintoxicating beer or nonintoxicating craft beer brand registration for up to two days at any event licensed under §11-16-11 and §11-16-11b of this code, for no additional fee.

(4) An applicant that receives this temporary license for any event licensed under §11-16-11 and §11-16-11b of this code shall provide a signed and notarized agreement acknowledging that it is the applicant's duty to pay all municipal, local, and sales taxes applicable to the sale of nonintoxicating beer or nonintoxicating craft beer in West Virginia.

(5) The unlicensed brewer or home brewer shall submit an application for each temporary special license sought for an event licensed under §11-16-11 and §11-16-11b of this code, at which the applicant proposes to provide nonintoxicating beer or nonintoxicating craft beer for sampling or sale. The license fee covers up to two separate one-day licenses for the event before an additional fee is required. Any applicant desiring to attend more than four events per year or otherwise operate in West Virginia

shall seek appropriate licensure as a brewery or resident brewery in this state.

(6) Notwithstanding the provisions of this article and requirements for licensure, brand registration, franchise requirements, payment of beer barrel tax, and the appointment of a distributor franchise network, this temporary special license for an event licensed under §11-16-11 and §11-16-11b of this code, once granted, permits the licensee to operate in this limited capacity only at the approved specific, events licensed under §11-16-11 and §11-16-11b of this code, subject to the limitations noted in this section.

(7) The applicant shall also apply for and receive a nonintoxicating beer or nonintoxicating craft beer transportation permit in order to legally transport nonintoxicating beer or nonintoxicating craft beer in the state as required by §11-16-10(f) of this code: *Provided*, That the commissioner may not charge or collect an additional fee for a nonintoxicating beer or nonintoxicating craft beer transportation permit to an applicant seeking a temporary special license under this section.

(8) The licensee is subject to all applicable violations and/or penalties under this article and related legislative rules that are not otherwise excepted by this section: *Provided*, That the commissioner may by rule or order provide for certain waivers or exceptions with respect to the provisions of this code, rules, or orders required by the circumstances of each festival or fair. The commissioner may revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding the provisions of §11-16-23 and §11-16-24 of this code: *Provided, however*, That under no circumstances shall the provisions of §11-16-8(a)(1), §11-16-8(a)(2), and §11-16-8(a)(3) of this code, be waived nor shall any exception be granted with respect to those provisions.

§11-16-18. Unlawful acts of licensees; criminal penalties.

(a) It is unlawful:

(1) Except as provided for in §7-1-3ss and this chapter of this code, ~~for~~ any licensee, his, her, its, or their servants, agents, or employees to sell, give, or dispense, or any individual to drink or consume, in or on any licensed premises or in any rooms directly connected thereto, nonintoxicating beer ~~or cooler on weekdays~~ between the hours of 2:00 a.m. and ~~7:00~~ 6:00 a.m., ~~or between the hours of 2:00 a.m. and 10:00 a.m.~~, or a Class A retail dealer to sell nonintoxicating beer for on-premises consumption only between the hours of 2:00 a.m. and ~~1:00 p.m.~~ 6:00 a.m.; ~~in any county upon approval as provided for in §7-1-3ss of this code, on any Sunday, except in private clubs licensed under the provisions of §60-7-1 et seq. of this code, where the hours shall conform with the hours of sale of alcoholic liquors;~~

(2) For any licensee, his, her, its, or their servants, agents, or employees to sell, furnish, or give any nonintoxicating beer, as defined in this article, to any person visibly or noticeably intoxicated or to any person known to be insane or known to be a habitual drunkard;

(3) For any licensee, his, her, its, or their servants, agents, or employees to sell, furnish, or give any nonintoxicating beer as defined in this article to any person who is less than 21 years of age;

(4) For any distributor to sell or offer to sell, or any retailer to purchase or receive, any nonintoxicating beer as defined in this article, except for cash and a right of action shall not exist to collect any claims for credit extended contrary to the provisions of this subdivision. Nothing ~~herein~~ contained in this section prohibits a licensee from crediting to a purchasing person the actual price charged for packages or containers returned by the original purchasing person as a credit on any sale, or from refunding to any purchasing person the amount paid or deposited for the containers when title is retained by the vendor: *Provided*, That a distributor may accept an electronic transfer of funds if the transfer of funds is initiated by an irrevocable payment order on the invoiced amount for the nonintoxicating beer. The cost of the electronic fund transfer shall be borne by the retailer and the distributor shall

initiate the transfer no later than noon of one business day after the delivery;

(5) For any brewer or distributor to give, furnish, rent, or sell any equipment, fixtures, signs, supplies, or services directly or indirectly or through a subsidiary or affiliate to any licensee engaged in selling products of the brewing industry at retail or to offer any prize, premium, gift, or other similar inducement, except advertising matter, including indoor electronic or mechanical signs, of nominal value up to \$25.00 per stock keeping unit, to either trade or consumer buyers: *Provided*, That a distributor may offer, for sale or rent, tanks of carbonic gas: *Provided, however*, That, in the interest of public health and safety, a distributor may, independently or through a subsidiary or affiliate, furnish, sell, install, or maintain draught line equipment, supplies, and cleaning services to a licensed retailer so long as the furnishing or sale of draught line services may be negotiated at no less than direct actual cost: *Provided further*, That a distributor may furnish, rent, or sell equipment, fixtures, signs, services, or supplies directly or indirectly or through a subsidiary or affiliate to any licensee engaged in selling products of the brewing industry at retail under the conditions and within the limitations as prescribed ~~herein~~ in this section. Nothing contained in this section prohibits a brewer from sponsoring any professional or amateur athletic event or from providing prizes or awards for participants and winners in any events.

(6) For any brewer or distributor to sponsor any professional or amateur athletic event or provide prizes or awards for participants and winners when a majority of the athletes participating in the event are minors, unless the event is specifically authorized by the commissioner;

(7) For any retail licensee to sell or dispense nonintoxicating beer through draught lines where the draught lines have not been cleaned at least every two weeks in accordance with rules promulgated by the commissioner, and where written records of all cleanings are not maintained and available for inspection;

(8) For any licensee to permit in his or her premises any lewd, immoral, or improper entertainment, conduct, or practice;

(9) For any licensee, except the holder of a license to operate a private club issued under the provisions of §60-7-1 *et seq.* of this code or a holder of a license or a private wine restaurant issued under the provisions of §60-8-1 *et seq.* of this code to possess a federal license, tax receipt, or other permit entitling, authorizing, or allowing the licensee to sell liquor or alcoholic drinks other than nonintoxicating beer;

(10) For any licensee to obstruct the view of the interior of his or her premises by enclosure, lattice, drapes, or any means which would prevent plain view of the patrons occupying the premises. The interior of all licensed premises shall be adequately lighted at all times: *Provided*, That provisions of this subdivision do not apply to the premises of a Class B retailer, the premises of a private club licensed under the provisions of §60-7-1 *et seq.* of this code, or the premises of a private wine restaurant licensed under the provisions of §60-8-1 *et seq.* of this code;

(11) For any licensee to manufacture, import, sell, trade, barter, possess, or acquiesce in the sale, possession, or consumption of any alcoholic liquors on the premises covered by a license or on premises directly or indirectly used in connection with it: *Provided*, That the prohibition contained in this subdivision with respect to the selling or possessing or to the acquiescence in the sale, possession, or consumption of alcoholic liquors is not applicable with respect to the holder of a license to operate a private club issued under the provisions of §60-7-1 *et seq.* of this code, nor shall the prohibition be applicable to a private wine restaurant licensed under the provisions of §60-8-1 *et seq.* of this code insofar as the private wine restaurant is authorized to serve wine;

(12) For any retail licensee to sell or dispense nonintoxicating beer, as defined in this article, purchased or acquired from any source other than a distributor, brewer, or manufacturer licensed under the laws of this state;

(13) For any licensee to permit loud, boisterous, or disorderly conduct of any kind upon his or her premises or to permit the use of loud musical instruments if either or any of the same may disturb the peace and quietude of the community where the business is located: *Provided*, That a licensee may have speaker systems for outside broadcasting as long as the noise levels do not create a public nuisance or violate local noise ordinances;

(14) For any person whose license has been revoked, as provided in this article, to obtain employment with any retailer within the period of one year from the date of the revocation, or for any retailer to knowingly employ that person within the specified time;

(15) For any distributor to sell, possess for sale, transport, or distribute nonintoxicating beer except in the original container;

(16) For any licensee to knowingly permit any act to be done upon the licensed premises, the commission of which constitutes a crime under the laws of this state;

(17) For any Class B retailer to permit the consumption of nonintoxicating beer upon his or her licensed premises;

(18) For any Class A licensee, his, her, its, or their servants, agents, or employees, or for any licensee by or through any servants, agents, or employees, to allow, suffer, or permit any person less than 18 years of age to loiter in or upon any licensed premises; except, however, that the provisions of this subdivision do not apply where a person under the age of 18 years is in or upon the premises in the immediate company of ~~his or her parent or parents~~ a parent or legal guardian, or where and while a person under the age of 18 years is in or upon the premises for the purpose of and actually making a lawful purchase of any items or commodities sold, or for the purchase of and actually receiving any lawful service rendered in the licensed premises, including the consumption of any item of food, drink, or soft drink lawfully prepared and served or sold for consumption on the premises;

(19) For any distributor to sell, offer for sale, distribute, or deliver any nonintoxicating beer outside the territory assigned to any distributor by the brewer or manufacturer of nonintoxicating beer or to sell, offer for sale, distribute, or deliver nonintoxicating beer to any retailer whose principal place of business or licensed premises is within the assigned territory of another distributor of the nonintoxicating beer: *Provided*, That nothing in this section is considered to prohibit sales of convenience between distributors licensed in this state where one distributor sells, transfers, or delivers to another distributor a particular brand or brands for sale at wholesale; and

(20) For any licensee or any agent, servant, or employee of any licensee to knowingly violate any rule lawfully promulgated by the commissioner in accordance with the provisions of chapter 29A of this code.

(b) Any person who violates any provision of this article, including, but not limited to, any provision of this section, or any rule, or order lawfully promulgated by the commissioner, or who makes any false statement concerning any material fact in submitting an application for a license or for a renewal of a license or in any hearing concerning the revocation of a license, or who commits any of the acts in this section declared to be unlawful is guilty of a misdemeanor and, upon conviction thereof, shall be punished for each offense by a fine of not less than \$25, nor more than \$500, or confined in the county or regional jail for not less than 30 days nor more than six months, or by both fine and confinement. Magistrates have concurrent jurisdiction with the circuit court and any other courts having criminal jurisdiction in their county for the trial of all misdemeanors arising under this article.

(c) (1) A Class B licensee that:

(A) Has installed a transaction scan device on its licensed premises; and

(B) Can demonstrate that it requires each employee, servant, or agent to verify the age of any individual to whom nonintoxicating

beer or nonintoxicating craft beer is sold, furnished, or given away by the use of the transaction device ~~may not be~~ is not subject to: (i) Any criminal penalties whatsoever, including those set forth in subsection (b) of this section; (ii) any administrative penalties from the commissioner; or (iii) any civil liability whatsoever for the improper sale, furnishing, or giving away of nonintoxicating beer or nonintoxicating craft beer to an individual who is less than 21 years of age by one of his or her employees, servants, or agents. Any agent, servant, or employee who has improperly sold, furnished, or given away nonintoxicating beer to an individual less than 21 years of age is subject to the criminal penalties of subsection (b) of this section. Any agent, servant, or employee who has improperly sold, furnished, or given away nonintoxicating beer to an individual less than 21 years of age is subject to termination from employment, and the employer shall have no civil liability for the termination.

(2) For purposes of this section, a Class B licensee can demonstrate that it requires each employee, servant, or agent to verify the age of any individual to whom nonintoxicating beer is sold by providing evidence: (A) That it has developed a written policy which requires each employee, servant, or agent to verify the age of each individual to whom nonintoxicating beer will be sold, furnished, or given away; (B) that it has communicated this policy to each employee, servant, or agent; and (C) that it monitors the actions of its employees, servants, or agents regarding the sale, furnishing, or giving away of nonintoxicating beer and that it has taken corrective action for any discovered noncompliance with this policy.

(3) ‘Transaction scan’ means the process by which a person checks, by means of a transaction scan device, the age and identity of the cardholder, and ‘transaction scan device’ means any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information enclosed on the magnetic strip or bar code of a driver’s license or other governmental identity card.

(d) Nothing in this article nor any rule of the commissioner shall prevent or be considered to prohibit any licensee from

employing any person who is at least 18 years of age to serve in the licensee's lawful employ, including the sale or ~~delivery~~ distribution of nonintoxicating beer as defined in this article. With the prior approval of the commissioner, a licensee whose principal business is the sale of food or consumer goods, or the providing of recreational activities, including, but not limited to, nationally franchised fast food outlets, family oriented restaurants, bowling alleys, drug stores, discount stores, grocery stores, and convenience stores, may employ persons who are less than 18 years of age, but at least 16 years of age: *Provided*, That the person's duties may ~~not~~ include the sale or ~~delivery~~ of nonintoxicating beer or alcoholic liquors only when directly supervised by a person 21 years of age or older: *Provided, however*, That the authorization to employ persons under the age of 18 years shall be clearly indicated on the licensee's license.

CHAPTER 19. AGRICULTURE.

ARTICLE 2. MARKETING AGRICULTURAL PRODUCTS.

§19-2-12. Agriculture Development Fund; administration; purpose; funding.

(a) There is hereby created in the State Treasury a special revenue account to be known as the Agriculture Development Fund. The fund shall be administered by the Department of Agriculture. The fund shall consist of all moneys deposited into the fund pursuant to §60-8A-3 of this code; any moneys that may be designated for deposit in this fund by an act of the Legislature; any moneys appropriated and designated for the fund by the Legislature; any moneys able to be transferred into the fund by authority of the commissioner from other funds; and gifts, donations, and interest or other returns earned from investment of the fund.

(b) Expenditures from the fund shall be for the purpose of fostering and supporting the development of agricultural sectors, such as hard cider, within the state, and are not authorized from collections, but are to be made only in accordance with appropriation by the Legislature and in accordance with the

provisions of §12-3-1 et seq. of this code and upon the fulfillment of the provisions set forth in §11B-2-1 et seq. of this code. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund, but shall remain in the fund and be expended as provided by this section.

§19-2-13. Hard cider development program; purpose; funding.

The commissioner shall establish a program to foster the development and growth of the hard cider industry in the state. The purpose of the program shall be to assist in the development of fruit inputs necessary for the production of hard cider in the state. The program shall be funded using moneys deposited within the Agriculture Development Fund created pursuant to §19-2-12 of this code.

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 1. GENERAL PROVISIONS.

§60-1-5a. Farm wineries defined.

(a) For the purpose of this chapter ‘Farm winery’ means an establishment where in any year 50,000 gallons or less of wine, which includes hard cider, and nonfortified dessert wine are manufactured exclusively by natural fermentation from grapes, apples, pears, peaches, other fruits or honey, or other agricultural products containing sugar and where port, sherry, and Madeira wine may also be manufactured, with 25 percent of such raw products being produced by the owner of ~~such~~ the farm winery on the premises of that establishment and no more than 25 percent of such produce originating from any source outside this state. Any port, sherry, or Madeira wine manufactured by a winery or a farm winery ~~must~~ shall not exceed an alcoholic content of 22 percent alcohol by volume and shall be matured in wooden barrels or casks.

(b) Notwithstanding the provisions of subsection (a) of this section, a farm winery may include one off-farm location. The owner of a farm winery may provide to the commissioner evidence,

accompanied by written findings by the West Virginia Agriculture Commissioner in support thereof, that the owner has planted on the premises of the farm winery young nonbearing fruit plants. The commissioner may grant permission for one off-farm location when the location produces in an amount equal to that reasonably expected to be produced when the nonbearing fruit plants planted on the farm winery come into full production. The length of time of the permission to use an off-farm location shall be determined by the commissioner after consultation with the Agriculture Commissioner.

ARTICLE 3A. SALES BY RETAIL LIQUOR LICENSEES.

§60-3A-3b. Private liquor delivery license for a retail liquor outlet or a third party; requirements; limitations; third party license fee; private liquor bottle delivery permit; requirements, and curbside in-person and in-vehicle delivery by a retail liquor outlet.

(a) A retail liquor outlet that is licensed to sell liquor for off-premises consumption may apply for a private liquor delivery license permitting the order, sale, and delivery of sealed liquor bottles or cans in the original container. The order, sale, and delivery of sealed liquor bottles or cans in the original container is permitted for off-premises consumption when completed by the licensee to a person purchasing the sealed liquor bottles or cans through a telephone, a mobile ordering application, or a web-based software program, authorized by the licensee's license. There is no additional fee for a licensed retail liquor outlet to obtain a private liquor delivery license. The order, sale, and delivery process shall meet the requirements of this section. The order, sale, and delivery process is subject to the penalties of this article.

(b) A third party, not licensed for liquor sales or distribution, may apply for a private liquor delivery license for the privilege of ordering and delivery of sealed liquor bottles or cans, from a licensed retail liquor outlet. The order and delivery of sealed liquor bottles or cans permitted for off-premises consumption by a third party licensee when a retail liquor outlet sells to a person purchasing the sealed liquor bottles or cans through telephone

orders, a mobile ordering application, or a web-based software program. The private liquor delivery license non-prorated, nonrefundable annual fee is \$200 per third party entity, with no limit on the number of drivers and vehicles.

(c) The private liquor delivery license application shall comply with licensure requirements in this article and shall provide any information required by the commissioner.

(d) Sale Requirements. -

(1) The purchase of sealed liquor bottles or cans in the original container may accompany the purchase of food and the completion of the sale may be accomplished by the delivery of food and sealed liquor bottles or cans in the original container by the licensee or third party licensee;

(2) Any purchasing person shall be 21 years of age or older, shall not be visibly or noticeably intoxicated at the time of delivery, and shall meet the requirements set forth in this chapter for the sale of alcoholic liquors and in §11-16-1 *et seq.* of the code, for nonintoxicating beer or nonintoxicating craft beer.

(3) 'Food', for purposes of this section, means food that has been cooked, microwaved, or that is pre-packaged food from the manufacturer.

(4) An order, sale, and delivery may consist of up to five 750 milliliter sealed liquor bottles for each order; *Provided*, That the entire delivery order may not contain any combination of sealed liquor bottles or cans in the original container, where the combination is more than 128 fluid ounces of liquor total; and

(5) A third party delivery licensee shall not have a pecuniary interest in a retail liquor outlet, as set forth in this article. A third party private liquor delivery licensee may only charge a convenience fee for the delivery of any alcohol. The third party private liquor delivery licensee may not collect a percentage of the liquor delivery order, but may continue to collect a percentage of the delivery order directly related to food. The convenience fee charged by the third-party private liquor delivery licensee to the

purchasing person shall be no greater than five dollars per delivery order where a sealed liquor bottle or can in the original container is ordered by the purchasing person. For any third party licensee also licensed for other nonintoxicating beer or nonintoxicating craft beer delivery pursuant to §11-16-1 et seq. of this code, wine delivery pursuant to §60-8-1 et seq. of this code, or a sealed craft cocktail growler delivery pursuant to §60-7-1 et seq. of this code, the total convenience fee of any order, sale, and delivery of sealed alcoholic liquor or nonintoxicating beer, or nonintoxicating craft beer shall not exceed five dollars.

(e) Private Liquor Delivery Requirements. -

(1) Delivery persons employed for the delivery of a sealed liquor bottles or cans in the original container shall be 21 years of age or older and a retail liquor outlet and a third-party private liquor delivery licensee shall file each delivery person's name, driver's license, and vehicle information with the commissioner;

(2) A retail liquor outlet and a third-party private liquor delivery licensee shall train delivery persons on verifying legal identification and in identifying the signs of intoxication. A retail liquor outlet and a third-party private liquor delivery licensee shall submit certification of the training to the commissioner;

(3) The retail liquor outlet or third party private liquor delivery licensee shall hold a private liquor bottle delivery permit for each vehicle delivering a sealed liquor bottle or can in the original container pursuant to subsection (g) of this section: *Provided*, That a delivery driver may retain an electronic copy of his or her permit as proof of licensure;

(4) A retail liquor outlet or third party private liquor delivery licensee shall deliver food and a sealed liquor bottle or can order in the original container in the market zone or contiguous market zone where the licensed retail liquor outlet is located;

(5) A retail liquor outlet or third party private liquor delivery licensee may only deliver food and a sealed liquor bottle or can in the original container to addresses located in West Virginia, The

retail liquor outlet or third party private liquor delivery licensee shall pay and account for all sales and municipal taxes;

(6) A retail liquor outlet or third party private liquor delivery licensee may not deliver food and a sealed liquor bottle or can in the original container to any licensee licensed under §11-16-1 et seq. of this code, and under this chapter;

(7) Deliveries of food and a sealed liquor bottle or can in the original container are only for personal use, and not for resale; and

(8) A retail liquor outlet or third party private liquor delivery licensee shall not deliver and leave food and a sealed liquor bottle or can in the original container at any address without verifying a person's age and identification as required by this section.

(f) Telephone, mobile ordering application, or web-based software requirements. -

(1) The delivery person shall only permit the person who placed the order through a telephone order, a mobile ordering applicant, or web-based software to accept the food and a sealed liquor bottle or can in the original container for delivery which is subject to verification upon delivery with the delivery person's visual review and verification and, as applicable, a stored scanned image of the purchasing person's legal identification;

(2) Any mobile ordering application or web-based software used shall create a stored record and image of the purchasing person's legal identification and details of the sale, accessible by the delivery driver for verification, and shall include the delivery driver's name and vehicle information;

(3) Any telephone ordering system shall maintain a log or record of the purchasing person's legal identification and details of the sale, accessible by the delivery driver for verification, and shall include the delivery driver's name and vehicle information;

(4) All records are subject to inspection by the commissioner. A retail liquor outlet or third party private liquor delivery licensee

shall retain records for three years, and shall not unreasonably withhold the records from the commissioner's inspection; and

(5) The retail liquor outlet or third party delivery licensee shall hold a valid private liquor bottle delivery permit required by subsection (g) of this section for each vehicle that may offer delivery.

(g) *Private Liquor Bottle Delivery Permit.* -

(1) A retail liquor outlet or third party delivery licensee shall obtain and maintain a retail transportation permit for the delivery of and a sealed liquor bottle or can in the original container.

(2) A retail liquor outlet or third party private delivery licensee shall provide vehicle and driver information, requested by the commissioner. Upon any change in vehicles or drivers, the licensee shall update the driver and vehicle information with the commissioner within 10 days of the change.

(3) Subject to the requirement of §60-6-12 of this code, a private liquor bottle delivery permit shall meet the requirements of a transportation permit authorizing the permit holder to transport liquor subject to the requirements of this chapter.

(h) *Enforcement.* -

(1) The retail liquor outlet or the licensed third party are responsible for any violations committed by their employees or independent contractors under this article, and more than one violation may be issued for a single violation involving multiple licensees, employees, or independent contractors.

(2) Any license or permit granted by this section is subject to the penalties of probation, monetary fines, suspension, and revocation, as set forth in this article, for violations committed by the licensee, its employees, or independent contractors.

(3) It is a violation for any licensee, its employees, or independent contractors to break the seal of a sealed liquor bottle.

A person who violates the provisions of this subdivision is subject to the maximum penalties available in this chapter.

(4) For purposes of criminal enforcement of the provisions of this article, persons ordering, purchasing, and accepting delivery of orders are considered to be purchasers.

(i) Retail liquor outlets licensed for off-premises sales of sealed liquor bottles and cans in the original container may provide for the sale and curbside in-person or in-vehicle pick-up of sealed liquor bottles or cans in the original container, subject to verification that the purchasing person is 21 years of age or older, and not visibly, or noticeably intoxicated, and as otherwise specified in this article.

(j) Retail liquor outlets licensed for off-premises sales of sealed liquor bottles and cans in the original container may provide for the sale and delivery through a drive up or drive through structure, approved by the commissioner, of sealed liquor bottles or cans in the original container, subject to verification that the purchasing person is 21 years of age or older, and not visibly, or noticeably intoxicated, and as otherwise specified in this article.

§60-3A-25. Certain acts of retail licensees prohibited; criminal penalties.

(a) It is unlawful for any retail licensee, or agent or employee thereof, on ~~such~~ the retail licensee's premises to:

(1) Sell or offer for sale any liquor other than from the original package or container;

(2) Sell, give away, or permit the sale of, gift of, or the procurement of, any liquor, for or to any person under 21 years of age;

(3) Sell, give away, or permit the sale of, gift of, or the procurement of, any liquor, for or to any person visibly intoxicated;

(4) Sell or offer for sale any liquor other than during the hours permitted for the sale of liquor by retail licensees as provided under this article;

(5) Permit the consumption by any person of any liquor;

(6) With the intent to defraud, alter, change, or misrepresent the quality, quantity, or brand name of any liquor;

(7) Permit any person under 18 years of age to sell, furnish, or give liquor to any other person, except as provided in subsection (c) of this section;

(8) Purchase or otherwise obtain liquor in any manner or from any source other than that specifically authorized in this article; or

(9) Permit any person to break the seal on any package, can or bottle of liquor.

(b) Any person who violates any provision of this article, except section 24 of this article, including, but not limited to, any provision of this section, or any rule promulgated by the board or the commissioner, or who makes any false statement concerning any material fact, or who omits any material fact with intent to deceive, in submitting an application for a retail license or for a renewal of a retail license or in any hearing concerning the suspension or revocation thereof, or who commits any of the acts declared in this article to be unlawful, is guilty of a misdemeanor and, shall, upon conviction thereof, for each offense be fined not less than \$100 or more than \$5,000, or imprisoned in the county jail for not less than 30 days nor more than one year, or both fined and imprisoned. Magistrates have concurrent jurisdiction with the circuit courts for offenses under this article.

(c) Nothing in this article, or any rule of the board or commissioner, prevents or prohibits any retail licensee from employing any person who is at least 18 years of age to serve in any retail licensee's lawful employment at any retail outlet operated by ~~such~~ the retail licensee, or from having ~~such~~ the person sell or ~~deliver~~ liquor or transport liquor on behalf of a manufacturer under the provisions of this article. With the prior approval of the commissioner, a retail licensee may employ persons at any retail outlet operated by ~~such~~ a retail licensee who are less than 18 years of age but at least 16 years of age, ~~but such~~ the persons' duties ~~shall~~

not may include the sale or delivery of liquor only when directly supervised by a person 21 years of age or older: Provided, That the authorization to employ such the persons under the age of 18 years shall be clearly indicated on the retail licensee's license issued to any such retail licensee. Provided, however, That nothing in this article, nor any rule or regulation of the commissioner, shall prevent or be considered to prohibit any licensee from employing any person who is at least 21 years of age for the ordering and delivery of liquor when licensed for liquor ordering and delivery under the provisions of this chapter.

ARTICLE 4. LICENSES.

§60-4-3a. Distillery and mini-distillery license to manufacture and sell.

(a) *Sales of liquor.* — An operator of a distillery, mini-distillery, or micro-distillery may offer liquor for retail sale to customers from the distillery, mini-distillery, or micro-distillery for consumption off premises only. Except for complimentary samples offered pursuant to §60-6-1 of this code, customers ~~are prohibited from consuming~~ may not consume any liquor on the premises of the distillery, mini-distillery, or micro-distillery and except for a distillery, mini-distillery, or micro-distillery that obtains a private manufacturer club license set forth in §60-7-1 et seq. of this code, and a Class A retail dealer license set forth in §11-16-1 et seq. of the code: Provided, That a licensed distillery, mini-distillery, or micro-distillery may offer complimentary samples of alcoholic liquors as authorized per by this subsection of when alcoholic liquors are manufactured by that licensed distillery, mini-distillery, or micro-distillery for consumption on the licensed premises, only, on Sundays beginning at 10:00 a.m. in any county in which the same has been approved as provided for in §7-1-3pp of this code. Notwithstanding any other provision of law to the contrary, a licensed distillery, mini-distillery, or micro-distillery may sell, furnish, and serve alcoholic liquors when licensed accordingly beginning at 6:00 a.m. unless otherwise determined by the residents of the county pursuant to §7-1-3ss of this code.

(b) *Retail off-premises consumption sales.* — Every licensed distillery, mini-distillery, or micro-distillery shall comply with the provisions of §60-3A-9, §60-3A-11, §60-3A-13, §60-3A-16, §60-3A-17, §60-3A-18, §60-3A-19, §60-3A-22, §60-3A-23, §60-3A-24, §60-3A-25, and §60-3A-26 of this code, and the provisions of §60-3-1 *et seq.* and §60-4-1 *et seq.*, of this code, applicable to liquor retailers and distillers.

(c) *Payment of taxes and fees.* — The distillery, mini-distillery, or micro-distillery shall pay all taxes and fees required of licensed retailers and meet applicable licensing provisions as required by this chapter and by rule of the commissioner, except for payments of the wholesale markup percentage and the handling fee provided by rule of the commissioner: *Provided*, That all liquor for sale to customers from the distillery, mini-distillery, or micro-distillery for off-premises consumption ~~shall be~~ is subject of a five percent wholesale markup fee and an 80 cents per case bailment fee to be paid to the commissioner: *Provided, however*, That ~~no~~ liquor sold by the distillery, mini-distillery, or micro-distillery shall not be priced less than the price set by the commissioner pursuant §60-3A-17 of this code.

(d) *Payments to market zone retailers.* — Each distillery, mini-distillery, or micro-distillery shall submit to the commissioner two percent of the gross sales price of each retail liquor sale for the value of all sales at the distillery, mini-distillery, or micro-distillery each month. This collection shall be distributed by the commissioner, at least quarterly, to each market zone retailer located in the distillery, mini-distillery, or micro-distillery's market zone, proportionate to each market zone retailer's annual gross prior years pretax value sales. The maximum amount of market zone payments that a distillery, mini-distillery, or micro-distillery shall ~~be required to~~ submit to the commissioner is \$15,000 per annum.

(e) *Limitations on licensees.* — ~~No~~ A distillery, mini-distillery, or micro-distillery may not sell more than 3,000 gallons of product at the distillery, mini-distillery, or micro-distillery location during the initial ~~two years~~ 24 month period of licensure. The distillery, mini-distillery, or micro-distillery may increase sales at the

distillery, mini-distillery, micro-distillery location by 2,000 gallons following the initial 24 month period of licensure and may increase sales at the distillery, mini-distillery, or micro-distillery location each subsequent 24 month period by 2,000 gallons, not to exceed 10,000 gallons a year of total sales at the distillery, mini-distillery, or micro-distillery location. No licensed mini-distillery may produce more than 50,000 gallons per calendar year at the mini-distillery location. ~~No~~ A licensed micro-distillery may not produce more than 10,000 gallons per calendar year at the micro-distillery location. ~~No~~ The commissioner may issue more than one distillery or mini-distillery license may be issued to a single person or entity and no a person may not hold both a distillery and a mini-distillery license. The owners of a licensed distillery, mini-distillery, or micro-distillery may operate a winery, farm winery, brewery, or as a resident brewer as otherwise specified in the code.

(f) Building code and tax classification- Notwithstanding any provision of this code to the contrary, the mere addition of a distillery, mini-distillery, or micro-distillery licensed under this article on a property does not change the nature or use of the property which otherwise qualifies as agricultural use for building code and property tax classification purposes.

§60-4-3b. Winery and farm winery license to manufacture and sell.

(a) An operator of a winery or farm winery may offer wine produced by the winery, farm winery, or a farm entity authorized by §60-1-5c of this code, for retail sale to customers from the winery or farm winery for consumption off the premises only. Customers may consume wine on the premises when an operator of a winery or farm winery offers ~~Except for free complimentary samples offered pursuant to §60-6-1 of this code, the winery or farm winery is licensed as a private wine restaurant, or the winery or farm winery is licensed as a private manufacturer club.~~ customers ~~Customers are prohibited from consuming~~ may not consume any wine on the licensed premises of the winery, farm winery, or a farm entity authorized by §60-1-5c of this code, unless ~~such~~ the winery, farm winery, or farm entity has obtained a multi-capacity winery or farm winery license: *Provided, That under this*

subsection, a licensed winery or farm winery may offer complimentary samples ~~per this subsection~~ of wine manufactured by that licensed winery or farm winery for consumption on the premises only on Sundays beginning at ~~10:00~~ 6:00 a.m. in any county in which the same has been approved as provided in §7-1-3ss of this code. Notwithstanding any other provision of law to the contrary, a licensed winery or farm winery may sell, serve, and furnish wine, for on-premises consumption when licensed accordingly, beginning at 6:00 a.m., and for off-premises consumption beginning at 6:00 a.m. on any day of the week, unless otherwise determined by the residents of the county pursuant to §7-1-3ss of this code.

(b) Complimentary samples allowed by the provisions of this section may not exceed two fluid ounces and no more than three ~~such~~ samples may be given to a patron in any one day.

(c) Complimentary samples may be provided only for on-premises consumption.

(d) A winery, farm winery, or farm entity pursuant to §60-1-5c of this code may offer for retail sale from their licensed premises sealed original container bottles of wine for off-premises consumption only.

(e) A winery, farm winery, or farm entity licensed pursuant to §60-1-5c of this code, holding a multicapacity license and a private wine restaurant license may offer wine by the drink or glass in a private wine restaurant located on the property of the winery, farm winery, or farm entity licensed pursuant to §60-1-5c of this code.

(f) Every licensed winery or farm winery shall comply with the provisions of §60-3-1 *et seq.*, §60-4-1 *et seq.*, and §60-8-1 *et seq.* of this code as applicable to wine retailers, wineries, and suppliers when properly licensed in such capacities.

(g) (1) The winery or farm winery shall pay all taxes and fees required of licensed wine retailers and meet applicable licensing provisions as required by this chapter and by rules promulgated by the commissioner.

(2) Each winery or farm winery acting as its own supplier shall submit to the Tax Commissioner the liter tax for all sales at the winery or farm winery each month, as provided in §60-8-1 *et seq.* of this code.

(3) The five percent wine excise tax, levied pursuant to §60-3-9d of this code, or pursuant to §8-13-7 of this code, may not be imposed or collected on purchases of wine in the original sealed package for the purpose of resale in the original sealed package, if the final purchase of ~~such the~~ wine is subject to the excise tax or if the purchase is delivered outside this state.

(4) No liter tax shall be collected on wine sold in the original sealed package for the purpose of resale in the original sealed package if a subsequent sale of ~~such the~~ wine is subject to the liter tax.

(5) This section shall not be interpreted to authorize a purchase for resale exemption in contravention of §11-15-9a of this code.

(h) A winery or farm winery may advertise a particular brand or brands of wine produced by it. ~~and the~~ The price of the wine is subject to federal requirements or restrictions.

(i) A winery or farm winery ~~must~~ shall maintain a separate winery or farm winery supplier, retailer, and direct shipper licenses when acting in one or more of those capacities and ~~must~~ shall pay all associated license fees, unless ~~such~~ the winery or farm winery holds a license issued pursuant to the provisions of §60-8-3(b)(12) of this code. A winery or farm winery, if holding the appropriate licenses or a multi-capacity winery or farm winery license, may act as its own supplier; retailer for off-premises consumption of its wine as specified in §60-6-2 of this code; private wine restaurant; and direct shipper for wine produced by the winery or farm winery. A winery or farm winery that has applied, paid all fees, and met all requirements may obtain a private manufacturer club license subject to the requirements of §60-7-1 et seq. of this code, and a Class A retail dealer license subject to the requirements of §11-16-1 et seq. of the code. All wineries must use a distributor to distribute and sell their wine in the state, except for farm wineries. ~~No more~~

~~than one winery or farm winery license may be issued to a single person or entity and no person may hold both a winery and a farm winery license~~ Wineries or farm wineries may enter into alternating wine proprietorship agreements pursuant to §60-1-5c of this code.

(j) The owners of a licensed winery or farm winery may operate a distillery, mini-distillery, or micro-distillery, brewery, or as a resident brewer, as otherwise specified in the code.

~~(j)~~ (k) For purposes of this section, terms ~~will~~ have the same meaning as provided in §8-13-7 of this code.

(l) Building code and tax classification- Notwithstanding any provision of this code to the contrary, the mere addition of a winery or farm winery licensed under this article on a property does not change the nature or use of the property which otherwise qualifies as agricultural use for building code and property tax classification purposes.

§60-4-3c. License required for sale and shipment of liquor by a distillery, mini-distillery or micro-distillery; shipment of limited quantities of liquor permitted by a private direct shipper; requirements; license fee, and penalties.

(a) Authorization. - Except for the commissioner, no person may offer for sale liquor, sell liquor, or offer liquor for shipment in this state, except for a licensed private direct shipper. A distillery, mini-distillery, or micro-distillery, whose licensed premises is located in this state or whose licensed premises is located and licensed out of this state, who desires to engage in the sale and shipment of liquor produced by the distillery, mini-distillery, or micro-distillery on its licensed premises, shall ship directly from the licensee's primary place of distilling by mail, using a mail shipping carrier to a purchasing person who is 21 years of age or older, for personal use, and not for resale under this article. The distillery, mini-distillery, or micro distillery shall obtain a private direct shipper license. Shipments to a purchasing person shall only be to a retail liquor outlet in the market zone in which the purchasing person resides. A private direct shipper may ship liquor subject to the requirements in this chapter in and throughout West

Virginia, except for those local option areas designated as ‘dry’ areas under §60-5-1 *et seq.* of this code. A private direct shipper may also sell, and ship liquor out of this state directly from its primary place of distilling by mail, using a mail shipping carrier to a purchasing person who is 21 years of age or older subject to the recipient state’s or country’s requirements, laws, and international laws.

(b) *License requirements.* – Before sending any shipment of liquor to a purchasing person who is 21 years of age or older, the private direct shipper must first:

(1) File a license application with the commissioner with the appropriate background check information, using forms required by the commissioner. Criminal background checks will not be required of applicants licensed in their state of domicile who can provide a certificate of good standing from their state of domicile;

(2) Pay to the commissioner the \$250 non-prorated and nonrefundable annual license fee to ship and sell only liquor;

(3) Obtain a business registration number from the Tax Commissioner;

(4) Register with the office of the Secretary of State;

(5) Provide the commissioner a true copy of its current active license issued in the state of domicile, proving that the private direct shipper is licensed in its state of domicile as a distillery, is authorized by such state to ship liquor;

(6) Obtain from the commissioner a private direct shipper’s license;

(7) Submit to the commissioner a list of all brands of liquor to be shipped to West Virginia and attest that all liquor brands are manufactured by the distillery on its licensed premises seeking licensure and are not counterfeit or adulterated liquor;

(8) Attest that the distillery, mini-distillery, or micro-distillery distills less than 50,000 gallons of liquor each calendar year and provide documentary evidence along with the attestation; and

(9) Meet all other licensing requirements of this chapter and provide any other information that the commissioner may reasonably require.

(c) *Shipping Requirements.* - All private direct shipper licensees shall:

(1) Not ship more than two bottles of liquor per month to a retail liquor outlet for pickup by a purchasing person who is 21 years of age or older for his or her personal use and consumption, and not for resale. The combined fluid volume of both bottles shall not exceed three liters;

(2) Not ship to any address in an area identified by the commissioner as a 'dry' or local option area where it is unlawful to sell liquor under §60-5-1 *et seq.* of this code;

(3) Not ship to any licensed suppliers, brokers, distributors, retailers, private clubs, or other licensees licensed under this chapter or §11-16-1 *et seq.* of this code;

(4) Not ship liquor from overseas or internationally;

(5) Ensure that all containers of liquor shipped to a retail liquor outlet for pickup by a purchasing person who is 21 years of age or older, are clearly and conspicuously labeled with the words 'CONTAINS ALCOHOL: SIGNATURE OF PERSON 21 OR OLDER REQUIRED FOR DELIVERY';

(6) Require a retail liquor outlet to obtain a written or electronic signature upon delivery to a purchasing person who is 21 years of age or older when picking up a sealed liquor delivery order; and

(7) Utilize a licensed and bonded shipping carrier who has obtained a transportation permit as specified in §60-6-12 of the code.

(d) Payment of Fees and Taxes.

(1) Any private direct shipper licensee on all sales of liquor must collect and remit the entire wholesale markup percentage and any handling fees, in full, as set forth in §60-3A-17 of the code and by rule of the commissioner to the commissioner at the close of each month and file a monthly report, on a form provided by the commissioner.

(2) Further, the private direct shipper licensee on all sales of liquor shall collect and remit all state sales tax, municipal tax, and local sales tax to the Tax Commissioner at the close of each month and file a monthly return, on a form provided by the Tax Commissioner, reflecting the taxes paid for all sales and shipments.

(3) The payment of fees to the commissioner and taxes to the Tax Commissioner may be in addition to fees and taxes levied by the private direct shipper's domicile state.

(4) No private direct shipper will be required to pay any fees to the commissioner or taxes to the Tax Commissioner more than once.

(5) A retail liquor outlet which has entered a written agreement with a private direct shipper to accept a liquor shipment under this section may charge an additional fee not less than ten percent fee based on the total price of the liquor shipment, excluding the shipping charges, to a lawful purchaser.

(e) Jurisdiction. - By obtaining a private direct shipper licensee be deemed to have agreed and consented to the jurisdiction of the commissioner, which is Charleston, West Virginia and the Kanawha County circuit court, concerning enforcement of this chapter and any other related laws or rules.

(f) Records and reports. -

(1) Licensed private direct shippers and retail liquor outlets must maintain accurate records of all shipments sent to West Virginia.

(2) Provide proof or records to the commissioner, upon request, that all direct shipments of liquor were purchased and delivered to a purchasing person who is 21 years of age or older.

(g) The private direct shipper may annually renew its license with the commissioner by application, paying the private direct shipper license fee and providing the commissioner with a true copy of a current distillery license from the private direct shipper's domicile state.

(h) The commissioner may promulgate legislative rules to effectuate the purposes of this law.

(i) Penalties. –

(1) The commissioner may enforce the requirements of this chapter by administrative proceedings as set forth in §60-7-13 and §60-7-13a of this code to suspend or revoke a private direct shipper's license or retail liquor outlet's license, and the commissioner may accept payment of a penalties as set forth in §60-7-13 and §60-7-13a of this code or an offer in compromise in lieu of suspension, at the commissioner's discretion. Hearings and appeals on such notices may be had in the same manner as in the case of revocations of licenses set forth in §60-7-13 and §60-7-13a of this code.

(2) If any such distillery violates the provisions of this chapter, the commissioner may determine to suspend the privileges of the distillery to sell, ship, or deliver liquor to a purchasing person who is 21 years of age or older or to the commissioner, or otherwise engage in the liquor business in this state for a period of one year from the date a notice is mailed to such person by the commissioner of the fact that such person has violated the provisions of this article. During such one-year period, it shall be unlawful for any person within this state to buy or receive liquor from such person or to have any dealings with such person with respect thereto.

(k) Criminal Penalties. – A shipment of liquor directly to citizens in West Virginia from persons who do not possess a valid private direct shipper's license is prohibited. Any person who

knowingly makes, participates in, transports, imports, or receives such an unlicensed and unauthorized direct shipment is guilty of a felony and, shall, upon conviction thereof, be fined in an amount not to exceed \$10,000 per violation. Without limitation on any punishment or remedy, criminal or civil, any person who knowingly makes, participates in, transports, imports, or receives such a direct shipment constitutes an act that is an unfair trade practice.

ARTICLE 6. MISCELLANEOUS PROVISIONS.

§60-6-8. Unlawful sale or possession by licensee.

A licensed person shall not:

(1) Sell, furnish, tender, or serve alcoholic liquors of a kind other than that which ~~such~~ the license or this chapter authorizes him or her to sell;

(2) Sell, furnish, tender, or serve beer to which wine, spirits, or alcohol has been added;

(3) Sell, furnish, tender, or serve wine to which other alcoholic spirits have been added, otherwise than as required in the manufacture ~~thereof~~ of the wine under ~~regulations~~ rules of the commission;

(4) Sell, furnish, tender, or serve alcoholic liquors to a person specified in §60-3-22 of this code;

(5) Sell, furnish, tender, or serve alcoholic liquors except as authorized by ~~his or her~~ its license;

(6) Sell, furnish, tender, or serve alcoholic liquors other than by the drink, poured from the alcoholic liquors' original container: *Provided*, That under certain requirements exceptions to liquor by the drink are as follows:

(A) A private club licensed under §60-7-1 *et seq.* of this code, that is in good standing with the commissioner and has paid a \$1000 on-premises only bottle service fee to the commissioner,

may sell or serve liquor by the bottle to two or more persons for consumption on the licensed premises only, and any liquor bottle sold by ~~such a~~ the private club shall be sold at retail for personal use, and not for resale, to a person for not less than 300 percent of the private club's cost, and ~~no such~~ the liquor bottle shall ~~not~~ be removed from the licensed premises by any person or the licensee; and

(B) A Class A licensee licensed under §60-8-1 *et seq.* of this code may sell or serve wine by the bottle to two or more persons for consumption on the licensed premises only, unless ~~such~~ the licensee has obtained a license or privilege authorizing other activity;

(7) Sell, furnish, tender, or serve pre-mixed alcoholic liquor that is not in the original container: *Provided*, That a licensee may sell, furnish, tender, and serve up to 15 recipes of pre-mixed beverages consisting of alcoholic liquors, and nonalcoholic mixer, and ice if in a manner approved by the commissioner and in accord with public health and safety standards:

(A) The licensee shall use approved dispensing and storage equipment which shall be cleaned at the end of the day. Failure to clean the dispensing and storage equipment shall result in the immediate suspension or revocation of the permit;

(B) The licensee shall sanitize and clean the pre-mixing beverage storage equipment after each use or after each batch of the pre-mixed beverage is made;

~~(A) The frozen drink mixing beverage machine is emptied and sanitized daily; and~~

~~(B)(C) That~~ The licensee shall maintain a written record reflecting the cleaning and sanitizing of the storage and dispensing equipment ~~frozen drink machine is maintained~~ for inspection by the commissioner and health inspectors;

(D) A violation or violations this subdivision may result in the suspension or revocation of the permit and may result in additional sanctions under this chapter or §11-16-1 et seq. of this code;

(8) Sell, furnish, tender, or serve any alcoholic liquor when forbidden by the provisions of this chapter;

(9) Sell, possess, possess for sale, tender, serve, furnish, or provide any powdered alcohol;

(10) Keep on the premises covered by his or her license alcoholic liquor other than that which he or she is authorized to sell, furnish, tender, or serve by such license or by this chapter.

A person who violates any provision of this section ~~shall be~~ is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500 or confined in jail not less than 30 days nor more than one year, or both ~~such fine~~ fined and confined ~~confinement~~ for the first offense. Upon conviction of a second or subsequent offense, the court may ~~in its discretion~~ impose a penalty of ~~confinement~~ imprisonment in a state correctional facility for a period not to exceed three years. A person who violates any provision of this section for the second or any subsequent offense under this section is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a period not to exceed three years.

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-2. Definitions; authorizations; requirements for certain licenses. ~~power to lease building for establishment of private club.~~

Unless the context in which used clearly requires a different meaning, as used in this article:

(a) ‘Applicant’ means a private club applying for a license under the provisions of this article.

(b) ‘Code’ means the official Code of West Virginia, 1931, as amended.

(c) ‘Commissioner’ means the West Virginia Alcohol Beverage Control Commissioner.

(d) ‘Licensee’ means the holder of a license to operate a private club granted under this article, which ~~license shall remain~~ remains unexpired, unsuspended, and unrevoked.

(e) ‘Private club’ means any corporation or unincorporated association which either: (1) Belongs to or is affiliated with a nationally recognized fraternal or veterans’ organization which is operated exclusively for the benefit of its members, which pays no part of its income to its shareholders or individual members, which owns or leases a building or other premises to which club are admitted only duly elected or approved dues-paying members in good standing of the corporation or association and their guests while in the company of a member and to which club the general public is not admitted, and which club maintains in the building or on the premises a suitable kitchen and dining facility with related equipment for serving food to members and their guests; ~~or~~ (2) is a nonprofit social club, which is operated exclusively for the benefit of its members, which pays no part of its income to its shareholders or individual members, which owns or leases a building or other premises to which club are admitted only duly elected or approved dues-paying members in good standing of the corporation or association and their guests while in the company of a member and to which club the general public is not admitted, and which club maintains in the building or on the premises a suitable kitchen and dining facility with related equipment for serving food to members and their guests; ~~or~~ (3) is organized and operated for legitimate purposes which has at least 100 duly elected or approved dues-paying members in good standing, which owns or leases a building or other premises, including any vessel licensed or approved by any federal agency to carry or accommodate passengers on navigable waters of this state, to which club are admitted only duly elected or approved dues-paying members in good standing of the corporation or association and their guests while in the company of a member and to which club the general public is not admitted, and which club maintains in the building or on the premises a suitable kitchen and dining facility with related equipment and employs a sufficient number of persons for serving meals to members and their guests; or (4) is organized for legitimate purposes and owns or leases a building or other delimited premises in any state,

county, or municipal park or at any airport, in which building or premises a club has been established, to which club are admitted only duly elected and approved dues-paying members in good standing and their guests while in the company of a member and to which club the general public is not admitted, and which maintains in connection with the club a suitable kitchen and dining facility and related equipment and employs a sufficient number of persons for serving meals in the club to the members and their guests.

(f) 'Private caterer' means a licensed private club restaurant authorized by the commissioner to cater and serve food and sell and serve alcoholic liquors, or non-intoxicating beer, or non-intoxicating craft beer. A private caterer shall purchase wine sold or served at a catering event from a wine distributor. A private caterer shall purchase nonintoxicating beer and nonintoxicating craft beer sold or served at the catering event from a licensed beer distributor. A private caterer shall purchase liquor from a retail liquor outlet authorized to sell in the market zone, where the catering event is held. The private caterer or the persons or entity holding the catering event shall:

(1) Have at least 10 members and guests attending the catering event;

(2) Have obtained an open container waiver or have otherwise been approved by a municipality or county in which the event is being held;

(3) Operate a private club restaurant on a daily operating basis;

(4) Only use its employees, independent contractors, or volunteers to sell and serve alcoholic liquors who have received certified training in verifying the legal identification, the age of a purchasing person, and the signs of visible, noticeable, and physical intoxication;

(5) Provide to the commissioner, at least 7 days before the event is to take place;

(A) The name and business address of the unlicensed private venue where the private caterer is to provide food and alcohol for a catering event;

(B) The name of the owner or operator of the unlicensed private venue;

(C) A copy of the contract or contracts between the private caterer, the person contracting with the caterer, and the unlicensed private venue;

(D) A floorplan of the unlicensed private venue to comprise the private catering premises, which shall only include spaces in buildings or rooms of an unlicensed private venue where the private caterer has control of the space for a set time period where the space safely accounts for the ingress and egress of the stated members and guests who will be attending the private catering event at the catering premises. The unlicensed private venue's floorplan during the set time period as stated in the contract shall comprise the private caterer's licensed premises, which is authorized for the lawful sale, service, and consumption of alcoholic liquors, nonintoxicating beer and nonintoxicating craft beer, and wine throughout the licensed private catering premises; *Provided*, That the unlicensed private venue shall: (i) Be inside a building or structure, (ii) have other facilities to prepare and serve food and alcohol, (iii) have adequate restrooms, and sufficient building facilities for the number of members and guests expected to attend the private catering event, and (iv) otherwise be in compliance with health, fire, safety, and zoning requirements;

(6) Not hold more than 15 private catering events per calendar year. Upon reaching the 16th event, the unlicensed venue shall obtain its own private club license;

(7) Submit to the commissioner, evidence that any noncontiguous area of an unlicensed venue is within 150 feet of the private caterer's submitted floorplan and may submit a floorplan extension for authorization to permit alcohol and food at an outdoor event;

(8) Meet and be subject to all other private club requirements; and

(9) Use an age verification system approved by the commissioner.

(g) ‘Private club bar’ means an applicant for a private club or licensed private club licensee that has a primary function for the use of the licensed premises as a bar for the sale and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer when licensed for such sales, while providing a limited food menu for members and guests, and meeting the criteria set forth in this subsection which:

(1) Has at least 100 members;

(2) Operates a bar with a kitchen, including at least: (A) A two-burner hot plate, air fryer, or microwave oven; (B) a sink with hot and cold running water; (C) a 17 cubic foot refrigerator or freezer, or some combination of a refrigerator and freezer, which is not used for alcohol cold storage; (D) kitchen utensils and other food consumption apparatus, as determined by the commissioner; and (E) food fit for human consumption available to be served during all hours of operation on the licensed premises;

(3) Maintains, at any one time, \$500 of food inventory capable of being prepared in the private club bar’s kitchen. In calculating the food inventory, the commissioner shall include television dinners, bags of chips or similar products, microwavable food or meals, frozen meals, prepackaged foods, or canned prepared foods;

(4) Uses an age verification system approved by the commissioner for the purpose of verifying that persons under the age of 18 who are in the private club bar are accompanied by a parent or legal guardian, and if a person under 18 years of age is not accompanied by a parent or legal guardian that person may not be admitted as a guest; and

(5) Meets and is subject to all other private club requirements.

(h) ‘Private club restaurant’ means an applicant for a private club or licensed private club licensee that has a primary function of using the licensed premises as a restaurant for serving freshly prepared meals and dining in the restaurant area. The private club restaurant may have a bar area separate from or commingled with the restaurant, seating requirements for members and guests must be met by the restaurant area. The applicant for a private club restaurant license shall meet the criteria set forth in this subsection which:

(1) Has at least 100 members;

(2) Operate a restaurant and full kitchen with at least: (A) Ovens and four-burner ranges; (B) refrigerators or freezers, or some combination of refrigerators and freezers, greater than 50 cubic feet, or a walk-in refrigerator or freezer; (C) other kitchen utensils and apparatus, as determined by the commissioner; and (D) freshly prepared food fit for human consumption available to be served during all hours of operation on the licensed premises;

(3) Maintains, at any one time, \$1,000 of fresh food inventory capable of being prepared in the private club restaurant’s full kitchen. In calculating the food inventory, the commissioner may not include television dinners, bags of chips, or similar products, microwavable meals, frozen meals, prepackaged foods, or canned prepared foods;

(4) Uses an age verification system approved by the commissioner for the purpose of verifying that persons under 18 years of age who are in the bar area of a private club restaurant are accompanied by a parent or legal guardian. The licensee may not seat a person in the bar area who is under the age of 18 years and who is not accompanied by a parent or legal guardian, but may allow that person, as a guest, to dine for food and nonalcoholic beverage purposes in the restaurant area of a private club restaurant;

(5) May uncork and serve members and guests up to two bottles of wine that a member purchased from a wine retailer, wine specialty shop, an applicable winery or farm winery when licensed

for retail sales, or a licensed wine direct shipper when the purchase is for personal use and, not for resale. The licensee may charge a corkage fee of up to \$10 dollars per bottle. In no event may a member or a group of members and guests exceed two sealed bottles or containers of wine to carry onto the licensed premises for uncorking and serving by the private club restaurant and for personal consumption by the member and guests. A member or guest may cork and reseal any unconsumed wine bottles as provided in §60-8-3(j) of this code and the legislative rules, for carrying unconsumed wine off the licensed premises;

(6) Must have at least two restrooms for members and their guests: *Provided*, That this requirement may be waived by the local health department upon supplying a written waiver of the requirement to the commissioner: *Provided, however*, That the requirement may also be waived for a historic building by written waiver supplied to commissioner of the requirement from the historic association or district with jurisdiction over a historic building: *Provided, further* That in no event shall a private club restaurant have less than one restroom; and

(7) Shall meet and be subject to all other private club requirements.

(i) ‘Private manufacturer club’ means an applicant for a private club or licensed private club licensee which is also licensed as a distillery, mini-distillery, micro-distillery, winery, farm winery, brewery, or resident brewery that manufactures liquor, wine, nonintoxicating beer, or nonintoxicating craft beer, which may be sold, served, and furnished to members and guests for on-premises consumption at the licensee’s licensed premises and in the area or areas denoted on the licensee’s floorplan, and which meets the criteria set forth in this subsection and which:

(1) Has at least 100 members;

(2) Offers tours, may offer complimentary samples, and may offer space as a conference center or for meetings;

(3) Operates a restaurant and full kitchen with ovens, four-burner ranges, a refrigerator, or freezer, or some combination of a refrigerator and freezer, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serves freshly prepared food at least 15 hours per week;

(4) Maintains, at any one time, \$500 of fresh food inventory capable of being prepared in the private manufacturer club's full kitchen. In calculating the food inventory, the commissioner may not include television dinners, bags of chips, or similar products, microwavable meals, frozen meals, prepackaged foods, or canned prepared foods;

(5) Owns or leases, controls, operates, and uses acreage amounting to at least one acre which is contiguous bounded or fenced real property that would be listed on the licensee's floorplan and may be used for large events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(6) Lists the entire property from subdivision (5) of this subsection and all adjoining buildings and structures on the private manufacturer club's floorplan that would comprise the licensed premises, which would be authorized for the lawful sale, service, and consumption of alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer, and wine throughout the licensed premises, whether these activities were conducted in a building or structure or outdoors while on the private manufacturer club's licensed premises, and as noted on the private manufacturer club's floorplan;

(7) Identifies a person, persons, an entity, or entities who or which has right, title, and ownership or lease interest in the real property, buildings, and structures located on the proposed licensed premises;

(8) Uses an age verification system approved by the commissioner; and

(9) Meets and is subject to all other private club requirements.

~~(f)~~(j) 'Private fair and festival' means an applicant for a private club or a licensed private club meeting the requirements of §60-7-8a of this code for a temporary event, and the criteria set forth in this subsection which:

(1) Has at least 100 members;

(2) Has been sponsored, endorsed, or approved, in writing, by the governing body (or its duly elected or appointed officers) of either the municipality or of the county ~~wherein~~ in which the festival, fair, or other event is to be conducted;

(3) ~~Shall prepare, provide, or engage~~ Prepares, provides, or engages a food ~~eater~~ vendor to provide adequate freshly prepared food or meals to serve its stated members and guests who will be attending the temporary festival, fair, or other event, and further shall provide any documentation or agreements of such to the commissioner prior to approval;

(4) ~~Shall~~ Does not use third-party entities or individuals to purchase, sell, furnish, or serve alcoholic liquors (~~liquor and wine~~), nonintoxicating beer, or nonintoxicating craft beer;

(5) ~~Shall provide~~ Provides adequate restroom facilities, whether permanent or portable, to serve the stated members and guests who will be attending the festival, fair, or other event;

(6) ~~Shall provide~~ Provides a floorplan for the proposed premises with a defined and bounded area to safely account for the ingress and egress of stated members and guests who will be attending the festival, fair, or other event; ~~and~~

(7) ~~Utilizes~~ Uses an age verification system approved by the commissioner; and

(8) Meets and is subject to all other private club requirements.

~~(g)~~(k) 'Private hotel' means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(1) Has at least 2,000 members;

(2) Offers short-term, daily rate accommodations or lodging for members and their guests amounting to at least 30 separate bedrooms, and also offers a conference center for meetings;

(3) Operates a restaurant and full kitchen with ovens, four-burner ranges, walk-in freezers, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serves freshly prepared food at least 20 hours per week;

(4) Maintains, at any one time, \$2,500 of fresh food inventory capable of being prepared in the private hotel's full kitchen, and in calculating the food inventory the commissioner may not include microwavable, frozen, or canned foods;

(5) Owns or leases, controls, operates, and uses acreage amounting to more than one acre but fewer than three acres, which are contiguous acres of bounded or fenced real property which would be listed on the licensee's floorplan and would be used for hotel and conferences and large contracted for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(6) ~~Lists in the application referenced in subdivision (5) of this subsection the entire property and all adjoining buildings and structures~~ Lists the entire property from subdivision (5) of this subsection and all adjoining buildings and structures on the private hotel's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private hotel's licensed premises and as noted on the private hotel's floorplan;

(7) Has an identified person, persons, or entity that has right, title, and ownership or lease interest in the real property buildings and structures located on the proposed licensed premises; ~~and~~

(8) ~~Utilizes~~ Uses an age verification system approved by the commissioner; and

(9) Meets and is subject to all other private club requirements.

~~(h)~~(1) 'Private resort hotel' means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(1) Has at least 5,000 members;

(2) Offers short-term, daily rate accommodations or lodging for members and their guests amounting to at least 50 separate bedrooms;

(3) Operates a restaurant and full kitchen with ovens, six-burner ranges, walk-in freezers, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serves freshly prepared food at least 25 hours per week;

(4) Maintains, at any one time, \$5,000 of fresh food inventory capable of being prepared in the private resort hotel's full kitchen, and in calculating the food inventory the commissioner may not include microwavable, frozen, or canned foods;

(5) Owns or leases, controls, operates, and uses acreage amounting to at least 10 contiguous acres of bounded or fenced real property which would be listed on the licensee's floorplan and would be used for destination, resort, and large contracted for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(6) Lists the entire property from subdivision (5) of this subsection and all adjoining buildings and structures on the private resort hotel's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private resort hotel's licensed premises and as noted on the private resort hotel's floorplan;

(7) Has an identified person, ~~or~~ persons, or entity that has right, title, and ownership or lease interest in the real property, buildings, and structures located on the proposed licensed premises;

(8) ~~Utilizes~~ Uses an age verification system approved by the commissioner; ~~and~~

(9) Meets and is subject to all other private club requirements;
and

~~(9)~~(10) May have a separately licensed resident brewer with a brewpub license inner-connected via a walkway, doorway, or entryway, all as determined and approved by the commissioner, for limited access during permitted hours of operation for tours and complimentary samples at the resident brewery.

~~(i)~~(m) ‘Private golf club’ means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(1) Has at least 100 members;

(2) Maintains at least one 18-hole golf course with separate and distinct golf playing holes, not reusing nine golf playing holes to comprise the 18 golf playing holes, and a clubhouse;

(3) Operates a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and serves freshly prepared food at least 15 hours per week;

(4) Owns or leases, controls, operates, and uses acreage amounting to at least 80 contiguous acres of bounded or fenced real property which would be listed on the private golf club’s floorplan and could be used for golfing events and large contracted for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(5) Lists the entire property from subdivision (4) of this subsection and all adjoining buildings and structures on the private golf club’s floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and

consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private golf club's licensed premises and as noted on the private golf club's floorplan;

(6) Has an identified person, ~~or~~ persons, or entity that has right, title, and ownership interest in the real property, buildings, and structures located on the proposed licensed premises; ~~and~~

(7) ~~Utilizes~~ Uses an age verification system approved by the commissioner; and

(8) Meets and is subject to all other private club requirements.

(j)(n) 'Private nine-hole golf course' means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(1) Has at least 50 members;

(2) Maintains at least one nine-hole golf course with separate and distinct golf playing holes;

(3) Operates a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and serves freshly prepared food at least 15 hours per week;

(4) Owns or leases, controls, operates, and uses acreage amounting to at least 30 contiguous acres of bounded or fenced real property which would be listed on the private nine-hole golf course's floorplan and could be used for golfing events and large contracted for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(5) Lists the entire property from subdivision (4) of this subsection and all adjoining buildings and structures on the private nine-hole golf course's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private nine-hole golf

course's licensed premises and as noted on the private nine-hole golf course's floorplan;

(6) Has an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises; ~~and~~

(7) ~~Utilizes~~ Uses an age verification system approved by the commissioner; and

(8) Meets and is subject to all other private club requirements.

(o) 'Private tennis club' means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(1) Has at least 100 members;

(2) Maintains at least four separate and distinct tennis courts, either indoor or outdoor, and a clubhouse or similar facility;

(3) Has a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and is capable of serving freshly prepared food;

(4) Owns or leases, controls, operates, and uses acreage amounting to at least two contiguous acres of bounded or fenced real property which would be listed on the private tennis club's floorplan and could be used for tennis events and large events such as weddings, reunions, conferences, tournaments, meetings, and sporting or recreational events;

(5) Lists the entire property from subdivision (4) of this subsection and all adjoining buildings and structures on the private tennis club's floorplan that would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private tennis club's licensed premises and as noted on the private tennis club's floorplan;

(6) Has identified a person, persons, an entity, or entities who or which has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(7) Meets and is subject to all other private club requirements; and

(8) Uses an age verification system approved by the commissioner.

(p) ‘Private professional sports stadium’ means an applicant for a private club or licensed private club licensee that is only open for professional sporting events when such events are affiliated with or sponsored by a professional sporting association, reserved weddings, reunions, conferences, meetings, or other special events and does not maintain daily or regular operating hours as a bar or restaurant. The licensee may not sell alcoholic liquors when conducting or hosting non-professional sporting events, and further the applicant shall:

(1) Have at least 1000 members;

(2) Maintain an open air or closed air stadium venue primarily used for sporting events, such as football, baseball, soccer, auto racing, or other professional sports, and also weddings, reunions, conferences, meetings, or other events where parties must reserve the stadium venue in advance of the event;

(3) Operate a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and capable of serving freshly prepared food, or meals to serve its stated members, guests, and patrons who will be attending the event at the private professional sports stadium;

(4) Own or lease, control, operate, and use acreage amounting to at least 3 contiguous acres of bounded or fenced real property, as determined by the commissioner, which would be listed on the professional sports stadium’s floorplan and could be used for contracted for professional sporting events, group-type weddings, reunions, conferences, meetings, or other events;

(5) List the entire property from subdivision (4) of this subsection and all adjoining buildings and structures on the private professional sports stadium's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private professional sports stadium's licensed premises and as noted on the private professional sports stadium's floorplan;

(6) Have an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(7) Meet and be subject to all other private club requirements; and

(8) Use an age verification system approved by the commissioner.

(q) 'Private farmers market' means an applicant for a private club or licensed private club licensee that operates as an association of bars, restaurants, retailers who sell West Virginia made products among other products, and other stores who open primarily during daytime hours of 6:00 a.m. to 6:00 p.m., but may operate in the day or evenings for special events where the sale of food and alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer may occur for on-premises consumption, such as reserved weddings, reserved dinners, pairing events, tasting events, reunions, conferences, meetings, or other special events and does not maintain daily or regular operating hours as a bar or restaurant, and all business that are members of the association have agreed in writing to be liable and responsible for all sales, service, furnishing, tendering and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer occurring on the entire licensed premises of the private farmer's market, including indoor and outdoor bounded areas, and further the applicant shall:

(1) Have at least 100 members;

(2) Have one or more members operating a private club restaurant and full kitchen with ovens, four-burner ranges, a refrigerator, or freezer (or some combination of the two), and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serves freshly prepared food at least 15 hours per week;

(3) Have one or more members operating who maintain, at any one time, \$1,000 of fresh food inventory capable of being prepared for events conducted at the private farmers market in the private club restaurant's full kitchen, and in calculating the food inventory the commissioner may not include television dinners, bags of chips or similar products, microwavable meals, frozen meals, prepackaged foods, or canned prepared foods;

(4) Have an association that owns or leases, controls, operates, and uses acreage amounting to more than one acre, which is contiguous acreage of bounded or fenced real property which would be listed on the licensee's floorplan and would be used for large contracted for reserved weddings, reserved dinners, pairing events, tasting events, reunions, conferences, meetings, or other special events;

(5) Have an association that lists in the application for licensure the entire property and all adjoining buildings and structures on the private farmers market's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private farmers market's licensed premises and as noted on the private farmers market's floorplan;

(6) Have an identified person, persons, or entity that has right, title, and ownership or lease interest in the real property buildings and structures located on the proposed licensed premises;

(7) Have at least two separate and unrelated vendors applying for the license and certifying that all vendors in the association

have agreed to the liability, responsibility associated with a private farmers market license;

(8) Only use its employees, independent contractors, or volunteers to purchase, sell, furnish, or serve liquor, wine, nonintoxicating beer, or nonintoxicating craft beer;

(9) Provide adequate restroom facilities, whether permanent or portable, to serve the stated members and guests who will be attending the private farmers market;

(10) Provide a copy of a written agreement between all the vendors of the association that is executed by all vendors stating that each vendor is jointly and severally liable for any violations of this chapter committed during the event;

(11) Provide a security plan indicating all vendor points of service, entrances, and exits in order to verify members, patrons, and guests ages, whether a member, patron, or guest is intoxicated and to provide for the public health and safety of members, patrons, and guests;

(12) Use an age verification system approved by the commissioner; and

(13) Meet and be subject to all other private club requirements.

(r) ‘Private wedding venue or barn’ means an applicant for a private club or licensed private club licensee that is only open for reserved weddings, reunions, conferences, meetings, or other events and does not maintain daily or regular operating hours, and which:

(1) Has at least 25 members;

(2) Maintains a venue, facility, barn, or pavilion primarily used for weddings, reunions, conferences, meetings, or other events where parties must reserve or contract for the venue, facility, barn, or pavilion in advance of the event;

(3) Operates a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and is capable of serving freshly prepared food, or may engage a food caterer to provide adequate freshly prepared food or meals to serve its stated members, guests, and patrons who will be attending the event at the private wedding venue or barn. The applicant or licensee shall provide written documentation including a list of food caterers or written agreements regarding any food catering operations to the commissioner prior to approval of a food catering event;

(4) Owns or leases, controls, operates, and uses acreage amounting to at least two contiguous acres of bounded or fenced real property. The applicant or licensee shall verify that, the property is less than two acres and is remotely located, subject to the commissioner's approval. The bounded or fenced real property may be listed on the private wedding venue's floorplan and may be used for large events such as weddings, reunions, conferences, meetings, or other events;

(5) Lists the entire property from subdivision (4) of this subsection and all adjoining buildings and structures on the private wedding venue or barn's floorplan that would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private wedding venue or barn's licensed premises and as noted on the private wedding venue or barn's floorplan;

(6) Has an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(7) Meets and is subject to all other private club requirements; and

(8) Uses an age verification system approved by the commissioner.

(s) 'Private multi-sport complex' means an applicant for a private club or licensed private club licensee that is open for multiple sports events to be played at the complex facilities, reserved weddings, concerts, reunions, conferences, meetings, or other special events, and which:

(1) Has at least 100 members;

(2) Maintains an open air multi-sport complex primarily for use for sporting events, such as baseball, soccer, basketball, tennis, frisbee, or other sports, but may also conduct weddings, concerts, reunions, conferences, meetings, or other events where parties must reserve the parts of the sports complex in advance of the sporting or other event;

(3) Operates a restaurant and full kitchen with ovens in the licensee's main facility, as determined by the commissioner, on the licensed premises and capable of serving freshly prepared food, or meals to serve its stated members, guests, and patrons who will be attending the event at the private professional sports stadium. A licensee may contract with temporary food vendors or food trucks for food sales only, but not on a permanent basis, in areas of the multi-sport complex not readily accessible by the main facility;

(4) Maintains, at any one time, \$1,000 of fresh food inventory capable of being prepared in the private multi-sport complex's full kitchen. In calculating the food inventory, the commissioner may not include television dinners, bags of chips, or similar products, microwavable meals, frozen meals, prepackaged foods, or canned prepared foods;

(5) Owns or leases, controls, operates, and uses acreage amounting to at least 50 contiguous acres of bounded or fenced real property, as determined by the commissioner, which would be listed on the private multi-sport complex's floorplan and could be used for contracted for sporting events, group-type weddings, concerts, reunions, conferences, meetings, or other events;

(6) Lists the entire property from subdivision (5) of this subsection and all adjoining buildings and structures on the private

multi-sport complex's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private multi-sport complex's licensed premises and as noted on the private multi-sport complex's floorplan. The licensee may sell alcoholic liquors from a golf cart or food truck owned or leased by the licensee and also operated by the licensee when the golf cart or food truck is located on the private multi-sport complex's licensed premises;

(7) Has an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(8) Meets and is subject to all other private club requirements; and

(9) Uses an age verification system approved by the commissioner.

The Department of Natural Resources, the authority governing any county or municipal park, or any county commission, municipality, other governmental entity, public corporation, or public authority operating any park or airport may lease, as lessor, a building or portion thereof or other limited premises in any such park or airport to any corporation or unincorporated association for the establishment of a private club pursuant to this article.

§60-7-6. Annual license fee; partial fee; and reactivation fee.

(a) The annual license fee for a license issued under the provisions of this article to a fraternal or veterans' organization or a nonprofit social club ~~shall be~~ is \$750.

(b) The annual license fee for a license issued under the provisions of this article to a private club other than a private club of the type specified in subsection (a) of this section ~~shall be~~ is \$1,000 if the private club bar or restaurant has fewer than 1,000 members; \$1,000 for a private club restaurant to be licensed as a

private caterer as defined in §60-7-2 of this code; \$1,500 if the private club is a private wedding venue or barn; \$2,000 if the private club is a private nine-hole golf course, private farmers market, private professional sports stadium, private multi-sport complex, private manufacturer club, or a private tennis club as defined in §60-7-2 of this code; \$2,500 if the private club bar or private club restaurant has 1,000 or more members; \$4,000 if the private club is a private hotel with three or fewer designated areas or a private golf club as defined in §60-7-2 of this code; and further, if the private club is a private resort hotel as defined in §60-7-2 of this code, ~~said~~ the private resort hotel may designate areas within the licensed premises for the lawful sale, service, and consumption of alcoholic liquors as provided for by this article. The annual license fee for a private resort hotel with five or fewer designated areas ~~shall be~~ is \$7,500 and the annual license fee for a private resort hotel with at least six, but no more than 10 designated areas ~~shall be~~ is \$12,500. The annual license fee for a private resort hotel with at least 11, but no more than 15 designated areas shall be \$17,500. The annual license fee for a private resort hotel with no fewer than 15 nor more than 20 designated areas ~~shall be~~ is \$22,500. ~~Provided, That a~~ A private resort hotel ~~having that~~ obtained the license and paid the \$22,500 annual license fee may, upon application to and approval of the commissioner, designate additional areas for a period not to exceed seven days for an additional fee of \$150 per day, per designated area.

(c) The fee for any ~~such~~ license issued following January 1 of any year ~~and to expire~~ that expires on June 30 of ~~such that~~ year ~~shall be~~ is one half of the annual license fee prescribed by subsections (a) and (b) of this section.

(d) A licensee that fails to complete a renewal application and make payment of its annual license fee in renewing its license on or before June 30 of any subsequent year, after initial application, shall be charged an additional \$150 reactivation fee. The fee payment may not be prorated or refunded, and the reactivation fee ~~must~~ shall be paid prior to the processing of any renewal application and payment of the applicable full year annual license fee. A licensee who continues to operate upon the expiration of its

license is subject to all fines, penalties, and sanctions available in §60-7-13 and §60-7-13a of this code, all as determined by the commissioner.

(e) ~~All such fees shall be paid by the~~ The commissioner shall pay the fees to the State Treasurer and credited to the General Revenue Fund of the state.

(f) The Legislature finds that the hospitality industry has been particularly damaged by the COVID-19 pandemic and that some assistance is warranted to promote reopening and continued operation of private clubs and restaurants licensed under this article. Accordingly, the fees set forth in subsections (a) and (b) of this section are temporarily modified as follows;

(1) License fees for the license period beginning July 1, 2021, shall be reduced to one-third of the rate set forth in subsections (a) and (b) of this section;

(2) License fees for the license period beginning July 1, 2022, shall be two-thirds of the rate set forth in subsections (a) and (b) of this section; and

(3) License fees for the license period beginning July 1, 2023 and beyond, shall be as set forth in subsections (a) and (b) of this section.

§60-7-8b. One-day charitable rare, antique, or vintage liquor auction; licensee fee and application; license subject to provisions of article; exceptions.

(a) The commissioner may issue a special one-day, license to a licensed private club in partnership with one or more duly organized, federally approved nonprofit corporations, associations, organizations, or entities allowing the nonprofit to conduct a charitable auction of certain sealed bottles of rare, antique, or vintage liquor, as determined by the commissioner, on the private club licensee's licensed premises for off-premises consumption only, when raising money for athletic, charitable, educational, scientific, or religious purposes. A licensed private club may not receive more than 12 licenses under this section per year.

(b) ‘Auction or auctioning’, for the purposes of this section, means any silent, physical act, or verbal bid auction, where the auction requires in-person bidding at a licensed private club or online internet-based auction bidding, with bidders present at the licensed private club during the nonprofit auction, through a secure internet-based application or website.

(c) Requirements.-

(1) The licensed private club and nonprofit shall jointly complete an application, at least 15 days prior to the event. The application may require, but is not limited to, information relating to the date, time, place, floorplan of the charitable event, and any other information as the commissioner may require. The applicants shall include with the application a written signed and notarized statement that at least 80 percent of the net proceeds from the charitable event will be donated directly to the nonprofit. The commissioner may audit the licensed private club and nonprofit to verify the 80 percent requirement has been met.

(2) The licensed private club and nonprofit must be in good standing with the commissioner, and the applicants must receive the commissioner’s approval prior to the charitable event.

(3) The licensed private club and nonprofit shall submit, and the commissioner shall review, the applicants’ list of rare, antique, or vintage liquor, and the applicants shall submit documentation showing that the liquor was purchased from a licensed retail outlet in accordance with §60-3A-1 *et seq.* of this code with all taxes and fees paid. Any rare, antique, or vintage liquor with no documentation or that was not purchased in accordance with §60-3A-1 *et seq.* of this code, may be approved for auction, if all taxes and fees are paid to the commissioner in accordance with §60-3A-1 *et seq.* of this code. Any undocumented rare, antique, or vintage liquor approved for charitable auction by the commissioner must be labeled in the interest of public health and safety: ‘Purchase and consume at your own risk, as the authenticity or source of manufacture of this bottle has not been verified’.

(4) The private club and nonprofit may not deliver, mail, or ship sealed or unsealed rare, antique, or vintage liquor bottles.

(5) The winning bidder of the auctioned rare, antique, or vintage liquor shall pay and receive the sealed rare, antique, or vintage liquor bottle before the conclusion of the event.

(6) The applicants shall pay a \$150 nonrefundable and nonprorated fee for the license.

(d) *Exceptions.* –

(1) A nonprofit's charitable auctioning of sealed rare, antique, or vintage liquor bottles, as determined by the commissioner, is permitted on the private club's licensed premises, notwithstanding the bingo, raffle, and lottery provisions of §47-20-10, §47-21-11, and §61-10-1 *et seq.* of this code, but in compliance with the auction requirements of §19-2c-1 *et seq.* of this code;

(2) The nonprofit, upon licensure by this section, is permitted a limited, one-time exception of the requirement to be a licensed retail outlet and hold a retail license issued pursuant to §60-3A-1 *et seq.* of this code to sell liquor; and

(3) The private club, upon licensure by this section, is provided a limited, one-time exception from §60-7-12(a)(1) and §60-6-8(6) of this code, to permit the licensed nonprofit to sell at auction the sealed rare, antique, or vintage liquor bottles for off-premises consumption, to permit the carrying onto, the sale of, and the carrying off of the licensed premises the approved sealed liquor bottles. Any private club or nonprofit licensed pursuant to this code section are subject to all penalties for violations committed under §60-3A-1 *et seq.* of this code and §60-7-1 *et seq.* of this code.

§60-7-8c. Special license for a multi-vendor private fair and festival; license fee and application; license subject to provisions of article; exception.

(a) There is hereby created a special license designated Class S3 private multivendor fair and festival license for the retail sale of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer

for on-premises consumption at an event where multiple vendors shall share liability and responsibility, and apply for this license. Each vendor may temporarily purchase, sell, furnish, or serve liquor, wine, nonintoxicating beer, and nonintoxicating craft beer as provided in this section.

(b) To be eligible for the license authorized by subsection (a) of this section, the private multivendor fair and festival or other event shall:

(1) Be sponsored, endorsed, or approved by the governing body or its designee of the county or municipality in which the private multivendor fair and festival or other event is located;

(2) Jointly apply to the commissioner for the special license at least 15 days prior to the private fair, festival, or other event;

(3) Pay a nonrefundable nonprorated license fee of \$500 per event that may be divided among all the vendors attending the event;

(4) Be approved by the commissioner to operate the private multivendor fair, festival, or other event;

(5) Be limited to no more than 15 consecutive days;

(6) Have at least two separate and unrelated vendors applying for the license and certifying that at least 100 members will be in attendance;

(7) Freshly prepare and provide food or meals, or engage a food vendor to prepare and provide adequate freshly prepared food or meals to serve its stated members and guests who will be attending the temporary festival, fair, or other event, and provide any written documentation or agreements of the food caterer to the commissioner prior to approval of the license;

(8) Only use its employees, independent contractors, or volunteers to purchase, sell, furnish, or serve liquor, wine, nonintoxicating beer, or nonintoxicating craft beer;

(9) Provide adequate restroom facilities, whether permanent or portable, to serve the stated members and guests who will be attending the private multi-vendor festival, fair, or other event;

(10) Provide an executed agreement between the vendors and/or food caterers stating that each vendor is jointly and severally liable for any improper acts or conduct committed during the multi-vendor festival or fair event;

(11) Provide a security plan indicating all vendor points of service, entrances, and exits in order to verify members', patrons', and guests' ages, and whether a member, patron, or guest is intoxicated, to provide for the public health and safety of members, patrons, and guests;

(12) Provide a floorplan for the proposed premises with one defined and bounded indoor and/or outdoor area to safely account for the ingress and egress of stated members, patrons, and guests who will be attending the festival, fair, or other event, and the floorplan that would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of liquor, wine, nonintoxicating beer, or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure, or outdoors while on the licensed premises and as noted on the floorplan;

(13) Meet and be subject to all other private club requirements; and

(14) Use an age verification system approved by the commissioner.

(c) Nonintoxicating beer and nonintoxicating craft beer sold, furnished, tendered, or served pursuant to the license created by this section shall be purchased from the licensed distributor that services the area in which the private multi-vendor fair and festival will be held or from a resident brewer acting in a limited capacity as a distributor, in accordance with §11-16-1 *et seq.* of this code.

(d) Wine sold, furnished, tendered, or served pursuant to the license created by this section shall be purchased from a licensed

distributor, winery, or farm winery in accordance with §60-8-1 et seq. of this code.

(e) Liquor sold, furnished, tendered, or served pursuant to the license created by this section shall be purchased from a licensed retail liquor outlet in the market zone or contiguous market zone where the private multi-vendor fair or festival will be held, all in accordance with §60-3A-1 et seq. of this code.

(f) A licensee authorized by this section may use bona fide employees, independent contractors, or volunteers to sell, furnish, tender, or serve the liquor, wine, nonintoxicating beer, or nonintoxicating craft beer; *Provided*, That the licensee shall train all employees, independent contractors, or volunteers to verify legal identification and to verify signs of intoxication.

(g) Licensed representatives of a brewer, resident brewer, beer distributor, wine distributor, wine supplier, winery, farm winery, distillery, mini-distillery, micro-distillery, and liquor brokers may attend a private multi-vendor festival or fair and discuss their respective products but may not engage in the selling, furnishing, tendering, or serving of any liquor, wine, nonintoxicating beer, or nonintoxicating craft beer.

(h) A licensee licensed under this section is subject to all other provisions of this article and the rules and orders of the commissioner: *Provided*, That the commissioner may, by rule or order, allow certain waivers or exceptions with respect to those provisions, rules, or orders as required by the circumstances of each private multi-vendor fair and festival. The commissioner may revoke or suspend immediately any license issued under this section prior to any notice or hearing, notwithstanding §60-7-13a of this code: *Provided, however*, That under no circumstances may the provisions of §60-7-12 of this code be waived or an exception granted with respect thereto.

§60-7-8d. Where private clubs may sell and serve alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer.

(a) With prior approval of the commissioner a private club licensee may sell, serve, and furnish alcoholic liquor and, if also

licensed to sell, serve, and furnish nonintoxicating beer or nonintoxicating craft beer to be consumed on premises in a legally demarcated area which may include a temporary private outdoor dining area or temporary private outdoor street dining area. A temporary private outdoor street dining area shall be approved by the municipal government or county commission in which the licensee operates. The commissioner shall develop and make available an application form to facilitate the purposes of this subsection.

(b) The private club licensee shall submit to the commissioner: (1) the municipal or county approval of the private outdoor dining area or private outdoor street dining area; and, (2) a revised floorplan requesting to sell alcoholic liquors, and when licensed for nonintoxicating beer or nonintoxicating craft beer, then nonintoxicating beer or nonintoxicating craft beer, subject to the commissioner's requirements, in an approved and bounded outdoor area. The approved and bounded area need not be adjacent to the licensee's licensed premises, but in close proximity, for private outdoor street dining or private outdoor dining. For purposes of this subsection, 'close proximity' means an available area within 150 feet of a licensee's licensed premises and under the licensee's control and with right of ingress and egress.

(c) This private outdoor dining or private outdoor street dining may be operated in conjunction with a private wine outdoor dining or private wine outdoor street dining area set forth in §60-8-32a of this code and nonintoxicating beer or nonintoxicating craft beer outdoor dining or outdoor street dining set forth in §11-16-9 of this code.

(d) For purposes of this section, private outdoor dining and private outdoor street dining include dining areas that are:

(1) Outside and not served by an HVAC system for air handling services and use outside air;

(2) Open to the air; and

(3) Not enclosed by fixed or temporary walls; however, the commissioner may seasonally approve a partial enclosure with up to three temporary or fixed walls.

Any area where seating is incorporated inside a permanent building with ambient air through HVAC is not considered outdoor dining pursuant to this subsection.

(e) A private club restaurant or a private manufacturer club licensed for craft cocktail growler sales must provide food or a meal along with sealed craft cocktail growler sales as set forth in this article to a patron who is in-person or in-vehicle while picking up food or a meal, and a sealed craft cocktail growler order-to-go, subject to verification that the purchasing person is 21 years of age or older, and not visibly, or noticeably intoxicated, and as otherwise specified in this article.

§60-7-8e. Private club restaurant or private manufacturer club licensee's authority to sell craft cocktail growlers.

(a) *Legislative findings.* — The Legislature hereby finds that it is in the public interest to regulate, control, and support the brewing, manufacturing, distribution, sale, consumption, transportation, and storage of liquor and its industry in this state to protect the public health, welfare, and safety of the citizens of this state and promote hospitality and tourism. Therefore, this section authorizes a licensed private club restaurant or private manufacturer club, to have certain abilities to promote the sale of liquor manufactured in this state for the benefit of the citizens of this state, the state's growing distilling industry, and the state's hospitality and tourism industry, all of which are vital components for the state's economy.

(b) *Sales of craft cocktail growlers.* — A licensed private club restaurant or private manufacturer club is authorized under a current and valid license and meets the requirements of this section may offer a craft cocktail growler in the ratio of up to one fluid ounce of liquor to four fluid ounces of nonalcoholic beverages or mixers, not to exceed 128 fluid ounces for the entire beverage in the craft cocktail growler, for retail sale to patrons from their

licensed premises in a sealed craft cocktail growler for personal consumption only off of the licensed premises. Prior to the sale, the licensee shall verify in-person, using proper identification, that any patron purchasing the craft cocktail growler is 21 years of age or older and that the patron is not visibly or noticeably intoxicated. There shall be a \$100 non-prorated, non-refundable annual fee to sell craft cocktail growlers.

(c) *Retail sales.* — Every licensee licensed under this section shall comply with all the provisions of this chapter as applicable to retail sale of liquor at retail liquor outlets, comply with markup specified in §60-3A-17(e)(2) of this code when conducting sealed craft cocktail growler sales, and shall be subject to all applicable requirements and penalties in this article.

(d) *Payment of taxes.* — Every licensee licensed under this section shall pay all sales taxes required of retail liquor outlets, in addition to any other taxes required, and meet any applicable licensing provisions as required by this chapter and by rule of the commissioner.

(e) *Advertising.* — Every licensee licensed under this section may only advertise a particular brand or brands of liquor manufactured by a distillery, mini-distillery, or micro-distillery upon written approval from the distillery, mini-distillery, micro-distillery, or an authorized and licensed broker to the licensee. Advertisements may not encourage intemperance or target minors.

(f) *Craft cocktail growler defined.* — For purposes of this chapter, ‘Craft Cocktail Growler’ means a container or jug that is made of glass, ceramic, metal, plastic, or other material approved by the commissioner, that may be no larger than 128 fluid ounces in size and must be capable of being securely sealed. The growler is utilized by an authorized licensee for purposes of off-premises sales only of liquor and a nonalcoholic mixer or beverage for personal consumption not on a licensed premise. Notwithstanding any other provision of this code to the contrary, a securely sealed craft cocktail growler is not an open container under state and local law. A craft cocktail growler with a broken seal is an open container under state and local law unless it is located in an area of

the motor vehicle physically separated from the passenger compartment. A craft cocktail growler is not an original container of liquor, but once sanitized, filled, properly sealed, and sold, all as set forth in this article, is a sealed container.

(h) *Craft cocktail growler requirements.* — A licensee licensed under this section must prevent patrons from accessing the secure area where the filling of the craft cocktail occurs or to fill a craft cocktail growler. A licensee licensed under this section must sanitize, fill, securely seal, and label any craft cocktail growler prior to its sale. A licensee licensed under this section may refill a craft cocktail growler subject to the requirements of this section. A licensee licensed under this section shall visually inspect any craft cocktail growler before filling or refilling it. A licensee licensed under this section may not fill or refill any craft cocktail growler that appears to be cracked, broken, unsafe, or otherwise unfit to serve as a sealed beverage container. For purposes of this article, a secure sealing means using a tamper-evident seal, such as: (1) A plastic heat shrink wrap band, strip, or sleeve extending around the cap or lid of craft cocktail growler to form a seal that must be broken when the container is opened; or (2) A screw top cap or lid that breaks apart when the craft cocktail growler is opened.

(i) *Craft cocktail growler labeling.* — A licensee licensed under this section selling craft cocktail growlers shall affix a conspicuous label on all sold and securely sealed craft cocktail growlers listing the name of the licensee selling the craft cocktail growler, the brand of the liquor in the craft cocktail growler, the type of craft cocktail or name of the craft cocktail, the alcohol content by volume of the liquor in the craft cocktail growler, and the date the craft cocktail growler was filled or refilled, and, all labeling on the craft cocktail growler shall be consistent with all federal labeling and warning requirements.

(j) *Craft cocktail growler sanitation.* — A licensee licensed under this section shall clean and sanitize all craft cocktail growlers he or she fills or refills in accordance with all state and county health requirements prior to its sealing. In addition, the licensee licensed under this section shall sanitize, in accordance with all state and county health requirements, all taps, tap lines, pipe lines,

barrel tubes, and any other related equipment used to fill or refill craft cocktail growlers. Failure to comply with this subsection may result in penalties under this article; *Provided That*, if the reuse or refilling of a craft cocktail growler would violate federal law such craft cocktail growler must only be used one-time, for one filling, and be discarded after the one-time use.

(k) *Pre-mixing of craft cocktail.* - A licensee licensed under this section may pre-mix the nonalcoholic beverages or mixers in the advance of a craft cocktail growler purchase and sealing, and add the liquor, as set forth in this section, upon a member or guest's purchase of a craft cocktail growler. A licensee licensed under this section must dispose of any expired premixed nonalcoholic beverages or mixers pursuant to Bureau for Public Health requirements when such premixed nonalcoholic beverages or mixers are no longer fit for human consumption. A licensee authorized under §60-6-8(7) may use a premixed beverage meeting the requirements therein and is also subject to the requirements of this section for a craft cocktail growler.

(l) *Limitations on licensees.* — A licensee licensed under this section shall not sell craft cocktail growlers to other licensees, but only to its members and guests. A licensee licensed under this section must provide food or a meal along with one sealed craft cocktail growler to a patron who is in-person or in-vehicle while picking up food or a meal, and a sealed craft cocktail growler order-to-go, subject to verification that the purchasing person is 21 years of age or older, and not visibly or noticeably intoxicated, and as otherwise specified in this article. A licensee licensed under this section may only sell one sealed craft cocktail growler to a patron who has not been consuming alcoholic liquors or nonintoxicating beer on its licensed premises or one craft cocktail growler per food or meal in the order delivered per §60-7-8f of this code. A licensee licensed under this section shall be subject to the applicable penalties under this article for violations of this article.

(m) *Rules.* — The commissioner, in consultation with the Bureau for Public Health, may to propose legislative rules concerning sanitation for legislative approval, pursuant to §29A-3-1 *et seq.* of this code, to implement the purposes of this section.

§60-7-8f. Private delivery license for a licensed private club restaurant, private manufacturer club, or a third party; requirements; limitations; third party license fee; private cocktail delivery permit; and requirements.

(a) A licensed private club restaurant or private manufacturer club licensed to sell liquor for on-premises consumption may apply for a private delivery license permitting the order, sale, and delivery of liquor and a nonalcoholic mixer or beverage in a sealed craft cocktail growler, when separately licensed for craft cocktail growler sales. The order, sale, and delivery of a sealed craft cocktail growler is permitted for off-premises consumption when completed by the licensee to a person purchasing the craft cocktail growler through a telephone, a mobile ordering application, or web-based software program, authorized by the licensee's license. There is no additional fee for a licensed private club restaurant or private manufacturer club to obtain a private delivery license. The order, sale, and delivery process shall meet the requirements of this section. The order, sale, and delivery process is subject to the penalties of this article.

(b) A third party, not licensed for liquor sales or distribution, may apply for a private delivery license for the privilege of ordering and delivery of craft cocktail growlers, from a licensee with a craft cocktail growler license. The order and delivery of a sealed craft cocktail growler is permitted by a third party who obtains a license under this section when a private club restaurant or private manufacturer club sells to a person purchasing the sealed craft cocktail growler through telephone orders, a mobile ordering application, or a web-based software program. The private delivery license nonprorated, nonrefundable annual fee is \$200 for each third party entity, with no limit on the number of drivers and vehicles.

(c) The private delivery license application shall comply with licensure requirements in this article and shall require any information required by the commissioner; *Provided*, That the license application may not require a third party applicant to furnish information pursuant to §60-7-12 of this code.

(d) Sale Requirements. -

(1) The craft cocktail growler purchase shall accompany the purchase of prepared food or a meal and the completion of the sale may be accomplished by the delivery of the prepared food or a meal, and craft cocktail growler by the licensed private club restaurant, private manufacturer club, or third party private delivery licensee;

(2) Any purchasing person shall be 21 years of age or older, shall not be visibly or noticeably intoxicated at the time of delivery, and shall meet the requirements set forth in this chapter for the sale of alcoholic liquors and as set forth in §11-16-1 *et seq.* of the code for nonintoxicating beer or nonintoxicating craft beer.

(3) ‘Prepared food or a meal’ for this article, means food that has been cooked, grilled, fried, deep-fried, air-fried, smoked, boiled, broiled, twice baked, blanched, sautéed, or in any other manner freshly made and prepared, and does not include pre-packaged food from the manufacturer.

(4) An order, sale, and delivery may consist of multiple sealed craft cocktail growlers for each order of food or meal; *Provided*, That the entire delivery order may not contain any combination of craft cocktail growlers of more than 128 fluid ounces total; and

(5) A third party private delivery licensee shall not have a pecuniary interest in a private club restaurant or private manufacturer club licensee, as set forth in this article. A third party private delivery licensee may only charge a convenience fee for the delivery of any alcohol. The third party private delivery licensee may not collect a percentage of the delivery order for the delivery of alcohol, but may continue to collect a percentage of the delivery order directly related to the prepared food or a meal. The convenience fee charged by the third-party private delivery licensee to the purchasing person shall be no greater than five dollars per delivery order where a craft cocktail growler is ordered by the purchasing person. For any third party licensee also licensed for wine growler delivery as set forth in §60-8-6c of the code, or nonintoxicating beer or nonintoxicating craft beer growler delivery

as set forth in §11-16-6d of the code, the total convenience fee of any order, sale, and delivery of a sealed growler, wine growler, or craft cocktail growler shall not exceed five dollars.

(e) *Craft Cocktail Growler Delivery Requirements.* -

(1) Delivery persons employed for the delivery of a sealed craft cocktail growler shall be 21 years of age or older. The licensed private club restaurant, private manufacturer club, or third party private delivery licensee shall file each delivery person's name, driver's license, and vehicle information with the commissioner;

(2) The licensed private club restaurant, private manufacturer club, or third party private delivery licensee shall train delivery persons on verifying legal identification and in identifying the signs of intoxication. The licensee shall submit certification of the training to the commissioner;

(3) The third party delivery licensee or the private club restaurant or private manufacturing club shall hold a private cocktail delivery permit for each vehicle delivering a craft cocktail growler pursuant to subsection (g) of this section: *Provided*, That a delivery driver may retain an electronic copy of his or her permit as proof of licensure.

(4) Prepared food or a meal, and a sealed craft cocktail growler order delivered by a third party private delivery licensee, a private club restaurant, or private manufacturer club may occur in the county or contiguous counties where the licensed private club restaurant or private manufacturer club is located;

(5) The licensed private club restaurant, private manufacturer club, or third party private delivery licensee may only deliver prepared food or a meal, and a sealed craft cocktail growler to addresses located in West Virginia. The licensed private club restaurant, private manufacturer club, or third party private delivery licensee shall account for and pay all sales and municipal taxes;

(6) The licensed private club restaurant, private manufacturer club, or third party private delivery licensee may not deliver

prepared food or a meal, and a sealed craft cocktail growler to any other licensee;

(7) Deliveries of prepared food or a meal, and a sealed craft cocktail growler are only for personal use, and not for resale; and

(8) The licensed private club restaurant, private manufacturer club, or third party private delivery licensee shall not deliver and leave the prepared food or a meal, and a sealed craft cocktail growler at any address without verifying a person's age and identification as required by this section.

(f) Telephone, mobile ordering application, or web-based software requirements. -

(1) The delivery person may only permit the person who placed the order through a telephone order, a mobile ordering application, or web-based software to accept the prepared food or meal and a craft cocktail growler delivery, subject to age verification upon delivery with the delivery person's visual review and age verification and, as application, a stored scanned image of the purchasing person's legal identification;

(2) Any mobile ordering application or web-based software used shall create a stored record and image of the purchasing person's legal identification and details of the sale, accessible by the delivery driver for verification, and shall include the delivery driver's name and vehicle information;

(3) Any telephone ordering system shall maintain a log or record of the purchasing person's legal identification and details of the sale, accessible by the delivery driver for verification, and shall include the delivery driver's name and vehicle information;

(4) All records are subject to inspection by the commissioner. The licensed private club restaurant, private manufacturer club, or third party private delivery licensee shall retain records for three years, and may not unreasonably withhold the records from the commissioner's inspection; and

(5) The third party private delivery licensee or the private club restaurant or private manufacturing club shall hold a valid private cocktail delivery permit under subsection (g) of this section for each vehicle used for delivery: *Provided*, That a delivery driver may retain an electronic copy of his or her permit as proof of licensure.

(g) *Private Cocktail Delivery Permit.* -

(1) The licensed private club restaurant, private manufacturer club, or third party private delivery licensee shall obtain and maintain a retail transportation permit for the delivery of prepared food and a sealed craft cocktail growler, subject to the requirements of this article.

(2) A third party private delivery licensee, a private club restaurant, or private manufacturer club licensee shall provide vehicle and driver information, requested by the commissioner. Upon any change in vehicles or drivers, the licensee shall update the driver and vehicle information with the commissioner within 10 days of the change.

(3) In conjunction with §60-6-12 of this code, a private cocktail delivery permit shall meet the requirements of a transportation permit authorizing the permit holder to transport liquor subject to the requirements of this chapter.

(h) *Enforcement.* -

(1) The third party private delivery licensee, the private club restaurant, or the private manufacturers club licensed by this section are responsible for any violations committed by their employees or independent contractors under this article, and more than one violation may be issued for a single violation involving multiple licensees, employees, or independent contractors.

(2) Any license or permit granted by this section is subject to the penalties of probation, monetary fines, suspension, and revocation, as set forth in this article, for violations committed by the licensee, its employees, or independent contractors.

(3) It is a violation for any licensee, its employees, or independent contractors to break the seal of a craft cocktail growler. The licensees in violation are subject to the maximum penalties available in this article.

(4) For purposes of criminal enforcement of the provisions of this article, persons ordering, purchasing, and accepting delivery of orders are considered to be purchasers.

§60-7-12. Certain acts of licensee prohibited; criminal penalties.

(a) It is unlawful for any licensee, or agent, employee, or member thereof, on such licensee's premises to:

(1) Sell, offer for sale, tender, or serve any alcoholic liquors other than by the drink poured from the original package or container, except as authorized in §60-6-8 of this code;

(2) Authorize or permit any disturbance of the peace, obscene, lewd, immoral, or improper entertainment, conduct, or practice, gambling or any slot machine, multiple coin console machine, multiple coin console slot machine, or device in the nature of a slot machine; however, various games, gaming, and wagering conducted by duly licensed persons of the West Virginia State Lottery Commission, charitable bingo games conducted by a duly licensed charitable or public service organization (or its auxiliaries), pursuant to §47-20-1 *et seq.* of this code, and charitable raffle games conducted by a duly licensed charitable or public service organization (or its auxiliaries), pursuant to §47-21-1 *et seq.* of this code, all of which are permissible on a licensee's licensed premises when operated in accordance with this code, ~~rules, and regulations: *Provided, That a* and rules promulgated thereunder.~~ A private resort hotel holding a license issued pursuant to §60-7-1 *et seq.* of this code, may sell, tender, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on the premises licensed under §29-22A-1 *et seq.* and §29-22C-1 *et seq.*, or §29-25-1 *et seq.* of this code, during hours of operation authorized by §29-22A-1 *et seq.* and §29-22C-1 *et seq.*, or §29-25-1 *et seq.* of this code;

(3) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating beer, wine, or alcoholic liquors for or to, or permit the consumption of nonintoxicating beer, wine, or alcoholic liquors on the licensee's premises, by any person less than 21 years of age;

(4) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating beer, wine, or alcoholic liquors, for or to any person known to be ~~deemed~~ considered legally incompetent, or for or to any person who is physically incapacitated due to consumption of nonintoxicating beer, wine or alcoholic liquor or the use of drugs;

(5) Sell, give, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on any licensed premises, or in any rooms directly connected therewith between the hours of 3:00 a.m. and ~~7:00~~ 6:00 a.m. on weekdays, ~~or Saturdays, and Sundays, between~~ the hours of 3:00 a.m. and 10:00 a.m. on any Sunday or, between the hours of 3:00 a.m. and 1:00 p.m. in any county upon approval as provided for in §7-1-3ss of this code, on any Sunday; and

(6) Permit the consumption by, or serve to, on the licensed premises any nonintoxicating beer, wine, or alcoholic liquors, covered by this article, to any person who is less than 21 years of age;

(7) With the intent to defraud, alter, change, or misrepresent the quality, quantity, or brand name of any alcoholic liquor;

(8) Sell or offer for sale any alcoholic liquor to any person who is not a duly elected or approved dues-paying member in good standing of ~~said~~ the private club or a guest of ~~such~~ the member;

(9) Sell, offer for sale, give away, facilitate the use of or allow the use of carbon dioxide, cyclopropane, ethylene, helium, or nitrous oxide for purposes of human consumption, except as authorized by the commissioner;

(10)(A) Employ any person who is less than ~~18~~ 16 years of age in a position where the primary responsibility for such employment

is to sell, furnish, tender, serve, or give nonintoxicating beer, wine, or alcoholic liquors to any person;

(B) Employ any person who is ~~between the ages of 18~~ 16 years of age and younger than 21 years of age who is not directly supervised by a person aged 21 or over in a position where the primary responsibility for such employment is to sell, furnish, tender, serve or give nonintoxicating beer, wine, or alcoholic liquors to any person; or

(11) Violate any reasonable rule of the commissioner.

(b) It is lawful for any licensee to advertise price and brand in any news media or other means, outside of the licensee's premises.

(c) Any person who violates any of the ~~foregoing~~ provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000, or imprisoned in jail for a period not to exceed one year, or both fined and imprisoned.

ARTICLE 8. SALE OF WINES.

§60-8-2. Definitions.

Unless the context in which used clearly requires a different meaning, as used in this article:

‘Commissioner’ or ‘commission’ means the West Virginia Alcohol Beverage Control Commissioner.

‘Distributor’ means any person whose principal place of business is within the State of West Virginia who makes purchases from a supplier to sell or distribute wine to retailers, grocery stores, private wine bed and breakfasts, private wine restaurants, private wine spas, private clubs, or wine specialty shops and that sells or distributes nonfortified dessert wine, port, sherry and Madeira wines to wine specialty shops, private wine restaurants, private clubs, or retailers under authority of this article and maintains a warehouse in this state for the distribution of wine. For the purpose of a distributor only, the term ‘person’ means and includes an

individual, firm, trust, partnership, limited partnership, limited liability company, association, or corporation. Any trust licensed as a distributor or any trust that is an owner of a distributor licensee, and the trustee or other persons in active control of the activities of the trust relating to the distributor license, is liable for acts of the trust or its beneficiaries relating to the distributor license that are unlawful acts or violations of this article, notwithstanding the liability of trustees in §44D-10-1 *et seq.* of this code.

‘Fortified wine’ means any wine to which brandy or other alcohol has been added where the alcohol content by volume does not exceed 24 percent, and ~~shall include~~ includes nonfortified dessert wines which are not fortified having an alcohol content by volume of at least fourteen and one tenths percent and not exceeding sixteen percent where the alcohol content by volume is greater than 17 percent and does not exceed 24 percent.

‘Grocery store’ means any retail establishment, commonly known as a grocery store, supermarket, delicatessen, caterer, or party supply store, where food, food products, and supplies for the table are sold for consumption off the premises with average monthly sales (exclusive of sales of wine) of not less than \$500 and an average monthly inventory (exclusive of inventory of wine) of not less than \$500 ~~\$3,000~~. The term ‘grocery store’ ~~shall also include and mean~~ also includes and means a separate and segregated portion of any other retail store which is dedicated solely to the sale of food, food products, and supplies for the table for consumption off the premises with average monthly sales with respect to ~~such~~ the separate or segregated portion (exclusive of sales of wine) of not less than ~~\$3,000~~ \$500 and an average monthly inventory (exclusive of inventory of wine) of not less than ~~\$3,000~~ \$500.

‘Hard Cider’ means a type of wine that is derived primarily from the fermentation of apples, pears, peaches, honey, or another fruit, or from apple, pear, peach, or another fruit juice concentrate and water; contains no more than 0.64 grams of carbon dioxide per 100 milliliters; contains at least one half of one percent and less than 12 and one half percent alcohol by volume; and is advertised,

labeled, offered for sale, or sold, as hard cider or cider containing alcohol, and not as wine, wine product, or as a substitute for wine.

‘Hard Cider Distributor’ means any person whose principal place of business is within the State of West Virginia who makes purchases from a supplier to sell or distribute hard cider (but not other types of wine) to retailers, grocery stores, private wine bed and breakfasts, private wine restaurants, private wine spas, private clubs, or wine specialty shops under authority of this code and maintains a warehouse in this state for the distribution of hard cider (but not other types of wine). For the purpose of a hard cider distributor, the term ‘person’ means and includes an individual, firm, trust, partnership, limited partnership, limited liability company, association, or corporation. Any trust licensed as a distributor or any trust that is an owner of a distributor license, and the trustee, or any other person or persons in active control of the activities of the trust relating to the distributor license, is liable for acts of the trust or its beneficiaries relating to the distributor license that are unlawful acts or violations of this article, notwithstanding the liability of trustees in §44D-10-1 *et seq.* of this code.

‘Licensee’ means the holder of a license granted under the provisions of this article.

‘Nonfortified dessert wine’ means a wine that is a dessert wine to which brandy or other alcohol has not been added, and which has an alcohol content by volume of at least 14.1 percent and less than or equal to 17 percent.

‘Person’ means and includes an individual, firm, partnership, limited partnership, limited liability company, association, or corporation.

‘Private wine bed and breakfast’ means any business with the sole purpose of providing, in a residential or country setting, a hotel, motel, inn, or other such establishment properly zoned as to its municipality or local ordinances, lodging and meals to its customers in the course of their stay at the establishment, which business also: (1) Is a partnership, limited partnership, corporation,

unincorporated association, or other business entity which as part of its general business purpose provides meals on its premises to its members and their guests; (2) is licensed under the provisions of this article as to all of its premises or as to a separate segregated portion of its premises to serve wine to its members and their guests when ~~such~~ the sale accompanies the serving of food or meals; and (3) admits only duly elected and approved dues-paying members and their guests while in the company of a member and does not admit the general public.

‘Private wine restaurant’ means a restaurant which: (1) Is a partnership, limited partnership, corporation, unincorporated association, or other business entity which has, as its principal purpose, the business of serving meals on its premises to its members and their guests; (2) is licensed under the provisions of this article as to all of its premises or as to a separate segregated portion of its premises to serve wine to its members and their guests when ~~such~~ the sale accompanies the serving of food or meals; and (3) admits only duly elected and approved dues-paying members and their guests while in the company of a member and does not admit the general public. ~~Such~~ Private clubs that meet the private wine restaurant requirements numbered (1), (2), and (3) in this definition shall be considered private wine restaurants: Provided, That, a private wine restaurant shall have at least two restrooms: Provided, however, That the two restroom requirement may be waived by a written waiver provided from a local health department to the commissioner: Provided, further, That a private wine restaurant located in an historic building may also be relieved of the two restroom requirement if a historic association or district with jurisdiction over a historic building provides a written waiver of the requirement to the commissioner: And Provided, further, That in no event shall a private wine restaurant have less than one restroom.

‘Private wine spa’ means any business with the sole purpose of providing commercial facilities devoted especially to health, fitness, weight loss, beauty, therapeutic services, and relaxation, and may ~~be also~~ also be a licensed massage parlor or a salon with licensed beauticians or stylists, which business also: (1) Is a

partnership, limited partnership, corporation, unincorporated association, or other business entity which as part of its general business purpose provides meals on its premises to its members and their guests; (2) is licensed under the provisions of this article as to all of its premises or as to a separate segregated portion of its premises to serve up to two glasses of wine to its members and their guests when ~~such~~ the sale accompanies the serving of food or meals; and (3) admits only duly elected and approved dues-paying members and their guests while in the company of a member, and does not admit the general public.

‘Retailer’ means any person licensed to sell wine at retail to the public at his or her established place of business for off-premises consumption and who is licensed to do so under authority of this article.

‘Supplier’ means any manufacturer, producer, processor, winery, farm winery, national distributor, or other supplier of wine who sells or offers to sell or solicits or negotiates the sale of wine to any licensed West Virginia distributor.

‘Table wine’ means a wine with an alcohol content by volume between 0.5 percent and 14 percent.

‘Tax’ includes within its meaning interest, additions to tax, and penalties.

‘Taxpayer’ means any person liable for any tax, interest, additions to tax, or penalty under the provisions of this article, and any person claiming a refund of tax.

‘Varietal wine’ means any wine labeled according to the grape variety from which ~~such~~ the wine is made.

‘Vintage wine’ or ‘vintage-dated wine’ means wines from which the grapes used to produce ~~such~~ the wine are harvested during a particular year, or wines produced from the grapes of a particular harvest in a particular region of production.

‘Wine’ means any alcoholic beverage obtained by the natural fermentation of the natural content of grapes, other fruits, or honey

or other agricultural products containing sugar and to which no alcohol has been added and ~~shall exclude fortified wine and shall also exclude any product defined as or embraced within the definition of nonintoxicating beer under the provisions of article sixteen, chapter eleven of this code~~ includes table wine, hard cider, nonfortified dessert wine, wine coolers, and other similar wine-based beverages. Fortified wine and any product defined as or contained within the definition of nonintoxicating beer under the provisions of §11-16-1 et seq., of this code are excluded from this definition of wine.

‘Wine specialty shop’ means a retailer who ~~shall deal~~ deals principally in the sale of table wine, nonfortified dessert wines, wine accessories, and food or foodstuffs normally associated with wine and: (1) Who ~~shall maintain~~ maintains a representative number of ~~such~~ wines for sale in his or her inventory which are designated by label as varietal wine, vintage, generic, and/or according to region of production and the inventory shall contain not less than 15 percent vintage or vintage-dated wine by actual bottle count; and (2) who, any other provisions of this code to the contrary notwithstanding, may maintain an inventory of port, sherry, and Madeira wines having an alcoholic content of not more than 22 percent alcohol by volume and which have been matured in wooden barrels or casks. All wine available for sale shall be for off-premises consumption except where wine tasting or wine sampling is separately authorized by this code.

§60-8-3. Licenses; fees; general restrictions.

(a) No person may engage in business in the capacity of a winery, farm winery, supplier, distributor, retailer, private wine bed and breakfast, private wine restaurant, private wine spa, or wine specialty shop without first obtaining a license from the commissioner, nor shall a person continue to engage in any activity after his or her license has expired, been suspended, or revoked. No person may be licensed simultaneously as a distributor and a retailer. No person, except for a winery or farm winery, may be licensed simultaneously as a supplier and a retailer. No person may be licensed simultaneously as a supplier and a private wine bed and breakfast, private wine restaurant, or a private wine spa. No person

may be licensed simultaneously as a distributor and a private wine bed and breakfast, a private wine restaurant, or a private wine spa. No person may be licensed simultaneously as a retailer and a private wine bed and breakfast, a private wine restaurant, or a private wine spa. Any person who is licensed to engage in any business concerning the manufacture, sale, or distribution of wine may also engage in the manufacture, sale, or distribution of hard cider without obtaining a separate hard cider license.

(b) The commissioner shall collect an annual fee for licenses issued under this article as follows:

(1) One hundred fifty dollars per year for a supplier's license;

(2) Two thousand five hundred dollars per year for a distributor's license and each separate warehouse or other facility from which a distributor sells, transfers, or delivers wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of \$2,500 as provided in this subdivision;

(3) One hundred fifty dollars per year for a retailer's license;

(4) Two hundred fifty dollars per year for a wine specialty shop license, in addition to any other licensing fees paid by a winery or retailer holding a license. Except for the amount of the license fee and the restriction to sales of winery or farm winery wines, a winery, or farm winery acting as a wine specialty shop retailer is subject to all other provisions of this article which are applicable to a wine specialty shop retailer as defined in §60-8-2 of this code;

(5) One hundred fifty dollars per year for a wine tasting license;

(6) One hundred fifty dollars per year for a private wine bed and breakfast license. Each separate bed and breakfast from which a licensee sells wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of \$150 as provided in this subdivision;

(7) Two hundred fifty dollars per year for a private wine restaurant license. Each separate restaurant from which a licensee

sells wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of \$250 as provided in this subdivision;

(8) One hundred fifty dollars per year for a private wine spa license. Each separate private wine spa from which a licensee sells wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of \$150 as provided in this subdivision;

(9) One hundred fifty dollars per year for a wine sampling license issued for a wine specialty shop under subsection (n) of this section;

(10) ~~No fee shall be charged~~ for a special one-day license under subsection (p) of this section or for a heritage fair and festival license under subsection (q) of this section;

(11) \$150 per year for a direct shipper's license for a licensee who sells and ships only wine and \$250 per year for a direct shipper's license who ships and sells wine, nonfortified dessert wine, port, sherry, or Madeira wines; ~~and~~

(12) Three hundred fifty dollars per year for a multi-capacity winery or farm winery license which enables the holder to operate as a retailer, wine specialty shop, supplier, and direct shipper without obtaining an individual license for each capacity; and

(13) Two hundred fifty dollars per year for a hard cider distributor's license. Each separate warehouse or other facility from which a distributor sells, transfers, or delivers hard cider shall be separately licensed and there shall be collected with respect to each location the annual license fee of \$250 as provided in this subdivision: *Provided*, That if a licensee is licensed as a nonintoxicating beer or nonintoxicating beer distributor then there is no additional license fee to distribute hard cider.

(c) The license period begins on July 1 of each year and ends on June 30 of the following year and if granted for a less period, the same shall be computed semiannually in proportion to the remainder of the fiscal year.

(d) No retailer may be licensed as a private club as provided by §60-7-1 *et seq.* of this code, except as provided by subsection (k) of this section.

(e) No retailer may be licensed as a Class A retail dealer in nonintoxicating beer as provided by §11-16-1 *et seq.* of this code: *Provided*, That a delicatessen, a caterer, or party supply store which is a grocery store as defined in §60-8-2 of this code and which is licensed as a Class A retail dealer in nonintoxicating beer may be a retailer under this article: *Provided, however*, That any delicatessen, caterer, or party supply store licensed in both capacities ~~must~~ shall maintain average monthly sales exclusive of sales of wine and nonintoxicating beer which exceed the average monthly sales of nonintoxicating beer.

(f) A wine specialty shop under this article may also hold a wine tasting license authorizing the retailer to serve complimentary samples of wine in moderate quantities for tasting. ~~Such~~ The wine specialty shop shall organize a wine taster's club, which has at least 50 duly elected or approved dues-paying members in good standing. ~~Such~~ The club shall meet on the wine specialty shop's premises not more than one time per week and shall either meet at a time when the premises are closed to the general public or ~~shall~~ meet in a separate segregated facility on the premises to which the general public is not admitted. Attendance at tastings shall be limited to duly elected or approved dues-paying members and their guests.

(g) A retailer who has more than one place of retail business shall obtain a license for each separate retail establishment. A retailer's license may be issued only to the proprietor or owner of a bona fide grocery store or wine specialty shop.

(h)(1) The commissioner may issue a license for the retail sale of wine at any festival or fair which is endorsed or sponsored by the governing body of a municipality or a county commission. ~~Such~~ The license shall be issued for a term of no longer than 10 consecutive days and the fee for the license ~~shall be~~ is \$250 regardless of the term of the license. The application for the license shall contain information required by the commissioner and shall

be submitted to the commissioner at least 30 days prior to the first day when wine is to be sold at the festival or fair.

(2) Notwithstanding subdivision (1) of this subsection, if the applicant for the festival or fair license is the manufacturer of ~~said~~ the wine, a winery, or a farm winery as defined in §60-1-5a of this code, and the event is located on the premises of a winery or a farm winery, then the license fee is \$50 per festival or fair.

(3) A licensed winery or a farm winery, which has the festival or fair licensee's written authorization and approval from the commissioner, may, in addition to or in conjunction with the festival and fair licensee, exhibit, conduct complimentary tastings, or sell samples not to exceed three, two-fluid ounce, tastings or samples per patron, for consumption on the premises during the operation of a festival or fair only; and may sell wine for off-premises consumption only: *Provided*, That for licensed wineries or farm wineries at a licensed festival or fair the tastings, samples and off-premises sales shall occur under the hours of operation as required in this article, except on Sunday, tastings, samples, and off-premises sales are unlawful between the hours of 2:00 a.m. and ~~10:00~~ 6:00 a.m.

(4) A festival or fair license may be issued to a 'wine club' as defined in this subdivision for a license fee of \$250. The festival or fair committee or the governing body shall designate a person to organize a club under a name which includes the name of the festival or fair and the words 'wine club'. The license shall be issued in the name of the wine club. A licensee ~~may not commence the sale of~~ sell wine as provided in this subdivision until the wine club has at least 50 dues-paying members who have been enrolled, and to whom membership cards have been issued. Thereafter, new members may be enrolled and issued membership cards at any time during the period for which the license is issued. A wine club licensed under the provisions of this subdivision may sell wine only to its members, and in portions not to exceed eight ounces per serving. The sales shall take place on premises or in an area cordoned or segregated so as to be closed to the general public, and the general public shall not be admitted to the premises or area. A wine club licensee under the provisions of this subdivision may

serve complimentary samples of wine in moderate quantities for tasting. A wine club may not make wine purchases from a direct shipper where the wine may be consumed on the licensed premises of any Class A private wine retail license or private club. A wine club which violates the provisions of this subdivision is subject to the penalties in this article.

(5) A licensed winery or farm winery approved to participate in a festival or fair under the provisions of this section and the licensee holding the license, or the licensed winery or farm winery approved to attend a licensed festival or fair, is subject to all other provisions of this article and the rules and orders of the commissioner relating to the license: *Provided*, That the commissioner may by rule or order provide for certain waivers or exceptions with respect to the provisions, rules, or orders as required by the circumstances of each festival or fair ~~may require~~, including, without limitation, the right to revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding the provisions §60-8-27 and §60-8-28 of this code: *Provided, however*, That under no circumstances shall the provisions of §60-8-20(c) or §60-8-20(d) of this code, be waived nor shall any exception be granted with respect to those subsections.

(6) A license issued under the provisions of this section and the licensee holding the license are not subject to the provisions of subsection (g) of this section.

(7) An unlicensed winery temporarily licensed and meeting the requirements set forth in subsection (q) of this section may conduct the same sampling and sales set forth in subsection (q) of this section at a licensed fair and festival upon approval of the licensee holding the fair and festival license and temporary and limited licensure by the commissioner. An unlicensed winery ~~shall be~~ is subject to the same limits, fees, requirements, restrictions and penalties set forth in subsection (q) of this section: *Provided*, That the commissioner may by rule or order provide for certain waivers or exceptions with respect to the provisions, rules, or orders as required by the circumstances of each festival or fair. ~~may require, including, without limitation, the right to~~ The commissioner may

revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding the provisions §60-8-27 and §60-8-28 of this code: *Provided, however,* That under no circumstances shall the provisions of §60-8-20(c) or §60-8-20(d) of this code be waived nor shall any exception be granted with respect to those subsections.

(i)(1) The commissioner may issue a special license for the retail sale of wine in a professional baseball stadium. A license to sell wine granted pursuant to this subsection entitles the licensee to sell and serve wine, for consumption in a professional baseball stadium. For the purpose of this subsection, ‘professional baseball stadium’ means a facility constructed primarily for the use of a major or minor league baseball franchisee affiliated with the National Association of Professional Baseball Leagues, Inc., or its successor, and used as a major or minor league baseball park. Any special license issued pursuant to this subsection shall be for a term beginning on the date of issuance and ending on the next following June 30, and its fee is \$250 regardless of the length of the term of the license. The application for the special license shall contain information required by the commissioner and must be submitted to the commissioner at least 30 days prior to the first day when wine is to be sold at the professional baseball stadium. The special license may be issued in the name of the baseball franchisee or the name of the primary food and beverage vendor under contract with the baseball franchisee. These sales must take place within the confines of the professional baseball stadium. The exterior of the area where wine sales may occur ~~must~~ shall be surrounded by a fence or other barrier prohibiting entry except upon the franchisee’s express permission, and under the conditions and restrictions established by the franchisee, so that the wine sales area is closed to free and unrestricted entry by the general public.

(2) A license issued under this subsection and the licensee holding the license are subject to all other provisions of this article and the rules and orders of the commissioner relating to the special license: *Provided,* That the commissioner may by rule or order grant certain waivers or exceptions to those rules or orders as required by the circumstances of each professional baseball

stadium may require, including, without limitation, the right to The commissioner may revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding §60-8-27 and §60-8-28 of this code; ~~and~~ *Provided, however,* That under no circumstances may §60-8-20(c) or §60-8-20(d) of this code be waived nor shall any exception be granted concerning those subsections.

(3) The commissioner may propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to implement this subsection.

(j) A license to sell wine granted to a private wine bed and breakfast, private wine restaurant, private wine spa, or a private club under the provisions of this article entitles the operator to sell and serve wine, for consumption on the premises of the licensee, when the sale accompanies the serving of food or a meal to its members and their guests in accordance with the provisions of this article: *Provided,* That a licensed private wine bed and breakfast, private wine restaurant, private wine spa, or a private club may permit a person over 21 years of age to purchase wine, consume wine, and recork or reseal, using a tamper resistant cork or seal, up to two separate bottles of unconsumed wine in conjunction with the serving of food or a meal to its members and their guests in accordance with the provisions of this article and in accordance with rules promulgated by the commissioner for the purpose of consumption of ~~said~~ the wine off premises: *Provided, however,* ~~That for this article, food or a meal provided by the private licensee means that the total food purchase, excluding beverage purchases, taxes, gratuity, or other fees is at least \$15: *Provided further,* That a licensed private wine restaurant or a private club may offer for sale, for consumption off the premises, sealed bottles of wine to its customers provided that no more than one bottle is sold per each person over 21 years of age, as verified by the private wine restaurant or private club, for consumption off the premises. ~~Such~~ The licensees ~~are authorized to~~ may keep and maintain on their premises a supply of wine in quantities appropriate for the conduct of operations thereof. Any sale of wine is subject to all restrictions set forth in §60-8-20 of this code. A private wine restaurant may~~

also be licensed as a Class A retail dealer in nonintoxicating beer as provided by §11-16-1 *et seq.* of this code.

(k) With respect to subsections (h), (i), (j), (o), and (p) of this section, the commissioner shall propose rules for promulgation in accordance with §29A-1-1 *et seq.* of this code, including, but not limited to, the form of the applications and the suitability of both the applicant and location of the licensed premises.

(l) The commissioner shall propose rules for promulgation in accordance with the provisions of §29A-1-1 *et seq.* of this code to allow restaurants to serve wine with meals and to sell wine by the bottle for off-premises consumption as provided in subsection (j) of this section. Each licensed restaurant shall be charged an additional \$100 per year fee.

(m) The commissioner shall establish guidelines to permit wines to be sold in all stores licensed for retail sales.

(n) Wineries and farm wineries may advertise off premises as provided in §17-22-7 of this code.

(o) A wine specialty shop under this article may also hold a wine sampling license authorizing the wine specialty shop to conduct special wine sampling events at a licensed wine specialty shop location during regular hours of business. The wine specialty shop may serve up to three complimentary samples of wine, consisting of no more than two fluid ounces each, to any one consumer in one day. Persons serving the complimentary samples ~~must~~ shall be 21 years of age or older and an authorized representative of the licensed wine specialty shop, winery, farm winery, or a representative of a distributor or registered supplier. Distributor and supplier representatives attending wine sampling events ~~must be registered~~ shall register with the commissioner. No licensee, employee, or representative may furnish, give, sell, or serve complimentary samples of wine to any person less than 21 years of age or to a person who is physically incapacitated due to the consumption of alcoholic liquor or the use of drugs. The wine specialty shop shall notify and secure permission from the commissioner for all wine sampling events ~~one month~~ 30 days

prior to the event. Wine sampling events may not exceed six hours per calendar day. Licensees ~~must~~ shall purchase all wines used during these events from a licensed farm winery or a licensed distributor.

(p) The commissioner may issue special one-day licenses to duly organized, nonprofit corporations and associations allowing the sale and serving of wine, and may, if applicable, also allow the charitable auctioning of certain sealed bottles of wine for off-premises consumption only, when raising money for athletic, charitable, educational, or religious purposes. ‘Auction or auctioning’, for the purposes of this subsection, means any silent, physical act, or verbal bid auction, whether or not ~~such~~ the auction requires in-presence bidding or online Internet-based electronic bidding through a secure application or website, but shall not include any action in violation of §47-20-10, §47-20-11, or §61-10-1 *et seq.* of this code. The license application shall contain information required by the commissioner and shall be submitted to the commissioner at least 30 days prior to the event. Accompanying the license application, the applicant shall submit a signed and notarized statement that at least 80 percent of the net proceeds from the charitable event will be donated directly to the nonprofit corporation or organization. Wines used during these events may be donated by, or purchased from, a licensed retailer, a distributor, winery, or a farm winery. A licensed winery or farm winery which is authorized in writing by a representative of the duly organized, nonprofit corporation ~~and~~ or association which has obtained the one-day license; is in good standing with the state; and obtains the commissioner’s approval prior to the one-day license event may, in conjunction with the one-day licensee, exhibit, conduct complimentary tastings, or sell samples not to exceed $\text{\$}$ three, two-fluid ounce tastings or samples per patron, for consumption on the premises during the operation of the one-day license event; and may sell certain sealed wine bottles manufactured by the licensed winery or farm winery for off-premises consumption: *Provided*, That for a licensed winery or farm winery at a licensed one-day event, the tastings, samples and off-premises sales shall occur under the hours of operation ~~as required in~~ permitted by this article, except on Sunday, tastings,

samples, and off-premises sales are unlawful between the hours of 2:00 a.m. and ~~10:00~~ 6:00 a.m., from the one-day licensee's submitted floor plan for the event subject to the requirements in the code and rules. Under no circumstances may the provisions of §60-8-20(c) or §60-8-20(f) of this code be waived nor may any exception be granted with respect to those subsections. ~~No more than six licenses may be issued to any single licensee during any calendar year.~~

(q)(1) In addition to the authorization granted to licensed wineries and farm wineries in subsections (h) and (p) of this section, an unlicensed winery, regardless of its designation in another state, but that is duly licensed in its domicile state, may pay a \$150 nonrefundable and nonprorated fee and submit an application for temporary licensure on a one-day basis for temporary sampling and sale of wine in sealed containers for off-premises consumption at a special one-day license nonprofit event.

(2) The application shall include, but is not limited to, the person or entity's name, address, taxpayer identification number, and location; a copy of its licensure in its domicile state; a signed and notarized verification that it produces 50,000 gallons or less of wine per year; a signed and notarized verification that it is in good standing with its domicile state; copies of its federal certificate of label approvals and certified lab alcohol analysis for the wines it desires to temporarily provide samples and temporarily sell wine in sealed containers for off-premises consumption at a special one-day license for a nonprofit event issued under subsection (p) of this section; and ~~such~~ any other information as the commissioner may reasonably require.

(3) The applicant winery shall include a list of all wines proposed to be temporarily sampled and temporarily sold in sealed containers at a special one-day license for a nonprofit event so that the wines may be reviewed in the interest of public health and safety. Once approved, the submitted wine list ~~will create~~ creates a temporary wine brand registration for up to two special one-day ~~license~~ licenses for a nonprofit event for no additional fee.

(4) An applicant winery that receives this temporary special one-day license for a nonprofit event ~~will provide~~ shall provide the commissioner a signed and notarized written agreement where the applicant winery agrees acknowledging that the applicant winery understands its responsibility to pay all municipal, local, and sales taxes applicable to the sale of wine in West Virginia.

(5) An application must be submitted per special one-day license for a nonprofit event the applicant winery desires to attend, and the license fee shall cover up to two special one-day license for nonprofit events before an additional fee would be ~~paid~~ is required. In no circumstance would ~~such a~~ the winery be permitted to attend more than four special one-day ~~license for nonprofit events per year~~ licensed events. Any ~~such~~ applicant or unlicensed winery desiring to attend more than four special one-day license for nonprofit events per year or otherwise operate in West Virginia would need to seek appropriate licensure as a winery or a farm winery in this state.

(6) Notwithstanding the provisions of this article and requirements for licensure, wine brand registration, payment of wine liter tax, and the winery's appointment of suppliers and distributors, this temporary special one-day license for a nonprofit event, once granted, permits ~~such~~ a winery to operate in this limited capacity only at the approved specific, special one-day license for a nonprofit event subject to the limitations ~~noted~~ contained in this section.

(7) The applicant winery ~~will need to further~~ shall also apply for and receive a transportation permit ~~in order~~ to legally transport wine in the state per §60-6-12 of this code.

(8) The applicant winery is subject to all applicable violations and/or penalties under this article and the legislative rules that is ~~are~~ not otherwise excepted by this subsection: *Provided*, That the commissioner may by rule or order provide for certain waivers or exceptions with respect to the provisions, rules, or orders ~~as required by~~ the circumstances of each festival or fair. ~~may require, including, without limitation, the right to~~ The commissioner may

revoke or suspend any license issued pursuant to this ~~section~~ article, prior to any notice or hearing.

(r) The commissioner may issue special licenses to heritage fairs and festivals allowing the sale, serving, and sampling of wine from a licensed farm winery. The license application shall contain information required by the commissioner and shall be submitted to the commissioner at least 30 days prior to the event. Wines used during these events may be donated by or purchased from a licensed farm winery. Under no circumstances may the provision of §60-8-20(c) of this code be waived nor may any exception be granted with respect thereto. The commissioner shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code to implement the provisions of this subsection.

(s)(1) The commissioner may issue a special license for the retail sale of wine in a college stadium. A license to sell wine granted pursuant to this subsection entitles the licensee to sell and serve wine for consumption in a college stadium. For the purpose of this subsection, ‘college stadium’ means a facility constructed primarily for the use of a Division I, II, or III college that is a member of the National Collegiate Athletic Association, or its successor, and used as a football, basketball, baseball, soccer, or other Division I, II, or III sports stadium. A special license issued pursuant to this subsection shall be for a term beginning on the date of its issuance and ending on the next following June 30, and its fee is \$250 regardless of the length of the term of the license. The application for the special license shall contain information required by the commissioner and must be submitted to the commissioner at least 30 days prior to the first day when wine is to be sold. The special license may be issued in the name of the National Collegiate Athletic Association Division I, II, or III college or university or the name of the primary food and beverage vendor under contract with that college or university. ~~These~~ All sales must take place within the confines of the college stadium: *Provided*, That the exterior of the area where wine sales may occur ~~must~~ shall be surrounded by a fence or other barrier prohibiting entry except upon the college or university’s express permission, and under the conditions and restrictions established by the college

or university, so that the wine sales area is closed to free and unrestricted entry by the general public.

(2) A license issued under this subsection and the licensee are subject to the other requirements of this article and the rules and orders of the commissioner relating to the special license: *Provided*, That the commissioner may by rule or order grant certain waivers or exceptions to those rules or orders as required by the circumstances of each the college stadium. ~~may require, including, without limitation, the right to~~ The commissioner may revoke or immediately suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding §60-8-27 and §60-8-28 of this code: *Provided, however*, That §60-8-20(c) or §60-8-20(d) of this code may not be waived, nor shall any exception be granted concerning those subsections.

(3) The commissioner may propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to implement this subsection.

§60-8-4. Liter tax.

There is hereby levied and imposed on all wine sold after July 1, 2007, by suppliers to distributors, and including all wine sold and sent to ~~West Virginia adult residents~~ to persons 21 years of age or older who reside in West Virginia from direct shippers, except wine sold to the commissioner, a tax of twenty-six and four hundred six-thousandths cents per liter. Effective July 1, 2021, hard cider is excepted from this per liter tax and is taxed pursuant to §60-8A-3 of this code.

Before the 16th day of each month thereafter, every supplier, distributor and direct shipper shall make a written report under oath to the Tax Commissioner and the commissioner showing the identity of the ~~purchaser~~ purchasing person, the quantity, label and alcoholic content of wine sold by the supplier to West Virginia distributors or the direct shipper to ~~West Virginia adult residents~~ to persons 21 years of age or older who reside in West Virginia during the preceding month and at the same time shall pay the tax imposed by this article on the wine sold to the distributor or ~~the West~~

Virginia adult residents or to persons 21 years of age or older who reside in West Virginia during the preceding month to the Tax Commissioner.

The reports shall contain other information and be in the form required by the Tax Commissioner ~~may require~~. For purposes of this article, the reports required by this section shall be considered tax returns covered by the provisions of §11-10-1 *et seq.* of this code. Failure to timely file the tax returns within five calendar days of the 16th day of each month ~~will also subject~~ also subjects a supplier, distributor, and direct shipper to penalties under §60-8-18 of this code.

No wine imported, sold, or distributed in this state or sold and shipped to this state by a direct shipper shall be subject to more than one liter tax.

§60-8-6c. Winery and Farm Winery license to sell wine growers and provide complimentary samples prior to purchasing a wine growler.

(a) Legislative findings. — The Legislature hereby finds that it is in the public interest to regulate, control, and support the brewing, manufacturing, distribution, sale, consumption, transportation, and storage of wine and its industry in this state to protect the public health, welfare, and safety of the citizens of this state, and promote hospitality and tourism. Therefore, this section authorizes a licensed winery or farm winery with its principal place of business and manufacture located in this state to have certain abilities to promote the sale of wine manufactured in this state for the benefit of the citizens of this state, the state's growing wine industry, and the state's hospitality and tourism industry, all of which are vital components for the state's economy.

(b) Sales of wine. — A licensed winery or farm winery with its principal place of business and manufacture located in the State of West Virginia may, when licensed under this section, offer only wine manufactured by the licensed winery or farm winery for retail sale to customers from the winery or farm winery's licensed premises for consumption off of the licensed premises only in the

form of original container sealed wine kegs, wine bottles, or wine cans, or also a sealed wine growler for personal consumption, and not for resale. A licensed winery or farm winery may not sell, give, or furnish wine for consumption on the premises of the principal place of business and manufacture located in the State of West Virginia, except for the limited purpose of complimentary samples as permitted in subsection (c) of this section or unless separately licensed as a private wine restaurant or a private manufacturer club.

(c) *Complimentary samples.* — A licensed winery or farm winery with its principal place of business and manufacture located in the State of West Virginia may offer complimentary samples of wine as set forth in §60-4-3b of this code.

(d) *Retail sales.* — Every licensed winery or farm winery under this section shall comply with all the provisions of this article as applicable to wine retailers when conducting wine growler sales and is subject to all applicable requirements and penalties in this article.

(e) *Payment of taxes and fees.* — A winery or farm winery licensed under this section shall pay all taxes and fees required of licensed wine retailers, in addition to any other taxes and fees required, and shall meet applicable licensing provisions as required by this chapter and by rule of the commissioner.

(f) *Advertising.* — A winery or farm winery under this section may advertise a particular brand or brands of wine produced by the licensed winery or farm winery and the price of the wine subject to state and federal requirements or restrictions. The advertisement may not encourage intemperance or target minors.

(g) *Wine Growler defined.* — For purposes of this section and section §60-8-6d of the code, ‘wine growler’ means a container or jug that is made of glass, ceramic, metal, or other material approved by the commissioner, that may be no larger than 128 fluid ounces in size and is capable of being securely sealed. The growler may be used by an authorized licensee for purposes of off-premises sales only of wine for personal consumption, and not for resale. Notwithstanding any other provision of this code to the contrary, a

securely sealed wine growler is not an open container under state and local law. A wine growler with a broken seal is an open container under state and local law unless it is located in an area of the motor vehicle physically separated from the passenger compartment. For purpose of this article, a secure seal means using a tamper evident seal, such as: (1) A plastic heat shrink wrap band, strip, or sleeve extending around the cap or lid of wine growler to form a seal that must be broken when the container is opened; or (2) A screw top cap or lid that breaks apart when the wine growler is opened.

(h) *Wine Growler requirements.* — A winery or farm winery licensed under this section shall prevent patrons from accessing the secure area where the winery or farm winery fills a wine growler and prevent patrons from filling a wine growler. A licensed winery or farm winery under this section shall sanitize, fill, securely seal, and label any wine growler prior to its sale. A licensed winery or farm winery under this section may refill a wine growler subject to the requirements of this section. A winery or farm winery shall visually inspect any wine growler before filling or refilling it. A winery or farm winery may not fill or refill any wine growler that appears to be cracked, broken, unsafe, or otherwise unfit to serve as a sealed beverage container.

(i) *Wine Growler labeling.* — A winery or farm winery licensed under this section selling wine growlers shall affix a conspicuous label on all sold and securely sealed wine growlers listing the name of the licensee selling the wine growler, the brand of the wine in the wine growler, the alcohol content by volume of the wine in the wine growler, and the date the wine growler was filled or refilled. All labeling on the wine growler shall be consistent with all federal labeling and warning requirements.

(j) *Wine Growler sanitation.* — A licensed winery or farm winery authorized under this section shall clean and sanitize all wine growlers it fills or refills in accordance with all state and county health requirements prior to its filling and sealing. In addition, the licensed winery or farm winery shall sanitize, in accordance with all state and county health requirements, all taps, tap lines, pipelines, barrel tubes, and any other related equipment

used to fill or refill growlers. Failure to comply with this subsection may result in penalties under this article.

(k) *Fee.* — There is no additional fee for a licensed winery or farm winery authorized under this section to sell wine growlers, but the licensee shall meet all other requirements of this section.

(l) *Limitations on licensees.* — To be authorized under this section, a licensed winery or farm winery may not produce more than 10,000 gallons of wine per calendar year at the winery or farm winery's principal place of business and manufacture located in the State of West Virginia. A licensed winery or farm winery authorized under this section is subject to the applicable penalties under this article for violations of this section.

(m) *Rules.* — The commissioner, in consultation with the Bureau for Public Health, may propose legislative rules concerning sanitation for legislative approval, pursuant to §29A-3-1 *et seq.* of this code, to implement this section.

§60-8-6d. Wine retailer, wine specialty shop, private wine restaurant, private wine bed and breakfast, private wine spa, Class B retail dealer, private club restaurant, private manufacturer club, Class A retail licensee, and Class B retail licensee's authority to sell wine growlers.

(a) *Legislative findings.* — The Legislature hereby finds that it is in the public interest to regulate, control, and support the brewing, manufacturing, distribution, sale, consumption, transportation, and storage of wine and its industry in this state to protect the public health, welfare, and safety of the citizens of this state and promote hospitality and tourism. Therefore, this section authorizes a licensed wine retailer, wine specialty shop, private wine restaurant, private wine bed and breakfast, private wine spa, private club restaurant, private manufacturer club, Class A retail licensee, or Class B retail licensee to have certain abilities in order to promote the sale of wine manufactured in this state for the benefit of the citizens of this state, the state's growing wine industry, and the state's hospitality and tourism industry, all of which are vital components for the state's economy.

(b) Sales of wine. — A licensed wine retailer, wine specialty shop, private wine restaurant, private wine bed and breakfast, private wine spa, private club restaurant, private manufacturer club, Class A retail licensee, or Class B retail licensee who pays the fee in subsection (h) of this section and meets the requirements of this section may offer wine for retail sale to patrons from the licensed premises in a sealed wine growler for personal consumption off of the licensed premises, and not for resale. Prior to the sale, the licensee shall verify, using proper identification, that any patron purchasing wine is 21 years of age or over and that the patron is not visibly intoxicated. The nonprorated, nonrefundable annual fee to sell wine growlers is \$100.

(c) Retail sales. — Every licensee authorized under this section shall comply with all the provisions of this article as applicable to wine retailers when conducting sales of wine in a wine growler and is subject to all applicable requirements and penalties in this article.

(d) Payment of taxes and fees. — A licensee authorized under this section shall pay all taxes and fees required of licensed wine retailers, in addition to any other taxes and fees required, and meet applicable licensing provisions as required by this chapter and by rule of the commissioner.

(e) Advertising. — A licensee authorized under this section may advertise a particular brand or brands of wine and the price of the wine, subject to state and federal requirements or restrictions. The advertisement may not encourage intemperance or target minors.

(f) Wine Growler defined and requirements. — A licensee authorized under this section shall use the wine growler definition and requirements in §60-8-6c(g) and §60-8-6c(h) of this code.

(g) Wine Growler labeling and sanitation. — A licensee authorized under this section shall label and sanitize wine growlers as set forth in §60-8-6c(i) and §60-8-6c(j) of this code.

(h) Complimentary samples. — A licensee authorized under this section may provide complimentary wine growler samples to

a person intending to purchase a wine growler which may be no greater than two fluid ounces per wine growler sample and a wine growler sampling shall not exceed three complimentary two fluid ounce samples per patron per day. A licensee authorized under this section providing complimentary wine samples shall, prior to providing any samples, verify that the patron sampling wine is 21 years of age or older and that the patron is not visibly or noticeably intoxicated.

(i) *Limitations on licensees.* — A licensee under this section may only sell wine growlers during the hours of operation set forth in this article. Any licensee licensed under this section shall maintain a secure area for the sale and filling of wine in a wine growler. The secure area shall only be accessible by the licensee. Any licensee licensed under this section is subject to the applicable penalties under this article for violations.

(j) *Non-applicability of certain statutes.* — Notwithstanding any other provision of this article to the contrary, licensees under this section are permitted to break the seal of the original container for the limited purpose of filling a wine growler or providing complimentary wine samples as provided in this section. Any unauthorized sale of wine or any consumption not permitted on the licensee's licensed premises is subject to penalties under this article.

(k) *Rules.* — The commissioner may propose legislative rules for legislative approval, pursuant to §29A-3-1 *et seq.* of this code, to implement this section.

§60-8-6e. Private wine delivery license for a licensed Class A wine licensee or a third party; requirements; limitations; third party license fee; private retail transportation permit; and requirements.

(a) A Class A wine licensee who is licensed to sell wine for on-premises consumption may apply for a private wine delivery license permitting the order, sale, and delivery of wine in the original container of sealed bottles or cans, or sealed wine growlers, when separately licensed for wine growler sales. The

order, sale, and delivery of wine in the original container of sealed bottles or cans, or sealed wine growlers is permitted for off-premises consumption when completed by the licensee or the licensee's employees to a person purchasing the wine through a telephone, mobile ordering application, or web-based software program, authorized by the licensee's license. There is no additional fee for a Class A wine licensee to obtain a private wine delivery license. The order, sale, and delivery process must meet the requirements of this section. The order, sale, and delivery process is subject to the penalties of this article.

(b) A third party, not licensed for wine sales or distribution, may apply for a private wine delivery license for the privilege of ordering and delivery of wine in the original container of sealed bottles, or cans, or sealed wine growlers, from a licensee with a wine growler license. The order and delivery of wine in the original container of sealed bottles or cans, or sealed wine growlers is permitted by a third party licensee when sold by a Class A wine licensee to a person purchasing the wine through telephone orders, mobile ordering application, or web-based software program for off-premises consumption. The private wine delivery license non-prorated, nonrefundable annual fee is \$200 per third party entity, with no limit on the number of drivers and vehicles.

(c) The private wine delivery license application shall comply with licensure requirements in this article and shall contain any information required by the commissioner.

(d) *Sale Requirements.* -

(1) The wine purchase shall accompany the purchase of prepared food or a meal and the completion of the sale may be accomplished by the delivery of prepared food or a meal, and sealed wine by the licensee or third-party licensee.

(2) Any purchasing person shall be 21 years of age or older, shall not be visibly or noticeably intoxicated at the time of delivery, and shall meet the requirements set forth in this article for the sale of wine.

(3) ‘Prepared food or a meal’ for this article, means food that has been cooked, grilled, fried, deep-fried, air-fried, smoked, boiled, broiled, twice baked, blanched, sautéed, or in any other manner freshly made and prepared, and does not include pre-packaged food from the manufacturer.

(4) An order, sale, and delivery may consist of no more than 384 fluid ounces of wine per delivery order; and

(5) A third-party private wine delivery licensee may not have a pecuniary interest in a Class A wine licensee, as set forth in this article. A third-party private wine delivery licensee may only charge a convenience fee for the delivery of wine as provided in this section. The third-party private wine delivery licensee may not collect a percentage of the delivery order for the delivery of alcohol but may collect a percentage of the delivery order directly related to prepared food or a meal. The convenience fee charged by the third-party private wine delivery licensee to the purchasing person may be no greater than five dollars per delivery order where wine is ordered by the purchasing person. For any third-party private wine delivery licensee also licensed for nonintoxicating beer or nonintoxicating craft beer growler delivery as set forth in §11-16-6d of the code or craft cocktail growler delivery as set forth in §60-7-8f of the code, the total convenience fee of any order, sale, and delivery of a sealed growler, wine growler, or craft cocktail growler shall not exceed five dollars.

(e) Private Wine Delivery Requirements. -

(1) Delivery persons employed for the delivery of sealed wine shall be 21 years of age or older. The third-party private wine delivery licensee or a Class A wine licensee shall file each delivery person’s name, driver’s license, and vehicle information with the commissioner;

(2) The third-party private wine delivery licensee or the Class A wine licensee shall train delivery persons on verifying legal identification and in identifying the signs of intoxication. The third-party private wine delivery licensee shall submit certification of the training to the commissioner;

(3) The third party private wine delivery licensee or Class A wine licensee shall hold a retail transportation permit for each vehicle delivering sealed wine per subsection (g) of this section: Provided, That a delivery driver may retain an electronic copy of his or her permit as proof of licensure;

(4) Delivery of food or a meal, and sealed wine orders by a third-party private wine delivery licensee or Class A wine licensee may occur in the county or contiguous counties where the wine licensee is located;

(5) The third-party private wine delivery licensee or Class A wine licensee may only deliver prepared food or a meal and sealed wine to addresses located in West Virginia. The third-party private wine delivery licensee or Class A wine licensee shall account for and pay all sales and municipal taxes;

(6) The third-party private wine delivery licensee or Class A wine licensee may not deliver prepared food or a meal, and sealed wine to any other wine licensees;

(7) Deliveries of food or a meal, and sealed wine are only for personal use, and not for resale; and

(8) The third-party private wine delivery licensee or Class A wine licensee shall not deliver and leave deliveries of prepared food or a meal, and sealed wine any address without verifying a person's age and identification as required by this section.

(f) Telephone, mobile ordering application, or web-based software requirements. -

(1) The delivery person shall only permit the person who placed the order through a telephone order, a mobile ordering application, or web-based software to accept the prepared food or meal, and wine delivery which is subject to age verification upon delivery with the delivery person's visual review and verification and, as applicable, a stored scanned image of the purchasing person's legal identification;

(2) Any mobile ordering application or web-based software used shall create a stored record and image of the purchasing person's legal identification and details of the sale, accessible by the delivery driver for verification, and shall include the delivery driver's name and vehicle information;

(3) Any telephone ordering system shall maintain a log or record of the purchasing person's legal identification and details of the sale, accessible by the delivery driver for verification, and shall include the delivery driver's name and vehicle information;

(4) All records are subject to inspection by the commissioner, and the third-party private wine delivery licensee and Class A wine licensee shall retain the records for inspection for three years. The third-party private wine delivery licensee or Class A wine licensee may not unreasonably withhold the records from the commissioner's inspection; and

(5) Each vehicle delivering wine shall be issued a private wine retail transportation permit per subsection (g) of this section.

(g) Private Wine Retail Transportation Permit. -

(1) A Class A wine licensee or a third-party private wine delivery licensee shall obtain and maintain a retail transportation permit for the delivery of prepared food and sealed wine.

(2) A Class A wine licensee or a third-party private wine delivery licensee shall provide vehicle and driver information, requested by the commissioner. Upon any change in vehicles or drivers, the licensee shall update the driver and vehicle information with the commissioner within 10 days of the change.

(3) In conjunction with §60-6-12 of this code, a private wine retail transportation permit shall meet the requirements of a transportation permit authorizing the permit holder to transport wine subject to the requirements of this chapter.

(h) Enforcement. -

(1) The licensee or the third-party private wine delivery licensee are responsible for any violations committed by their employees or independent contractors under this article, and more than one violation may be issued for a single violation involving multiple licensees, employees, or independent contractors.

(2) Any license or permit granted by this section is subject to the penalties of probation, monetary fines, suspension, and revocation, as set forth in this article, for violations committed by the licensee, its employees, or independent contractors.

(3) It is a violation for any licensee, its employees, or independent contractors to break the seal of a wine bottle, wine can, or wine growler. A person who violates the provisions of this subdivision is subject to the maximum penalties available in this article.

(4) For purposes of criminal enforcement of the provisions of this article, persons ordering, purchasing, and accepting delivery of orders are considered to be purchasers.

§60-8-6f. Private wine delivery license for a licensed Class B wine licensee or a third party; requirements; limitations; third party license fee; private retail transportation permit; and requirements.

(a) A Class B wine licensee who is licensed to sell wine for on-premises consumption may apply for a private wine delivery license permitting the order, sale, and delivery of wine in the original container of sealed bottles or cans, or sealed wine growlers, when separately licensed for wine growler sales. The order, sale, and delivery of wine in the original container of sealed bottles, cans, or sealed wine growlers is permitted for off-premises consumption when completed by the licensee or the licensee's employees to a person purchasing the wine through a telephone order, a mobile ordering application, or web-based software program, as authorized by the licensee's license. There is no additional fee for a Class B wine licensee to obtain a private wine delivery license. The order, sale, and delivery process shall meet

the requirements of this section, and subject to the penalties of this article.

(b) A third party, not licensed for wine sales or distribution, may apply for a private wine delivery license for the privilege of the ordering and delivery of wine in the original container of sealed bottles, or cans, or sealed wine growlers, from a licensee with a wine growler license. The order and delivery of wine in the original container of sealed bottles or cans, or sealed wine growlers is permitted for off-premises consumption by a third party licensee when sold by a Class B wine licensee to a person purchasing the wine through telephone orders, mobile ordering application, or web-based software program. The private wine delivery license non-prorated, nonrefundable annual fee is \$200 per third party entity, with no limit on the number of drivers and vehicles.

(c) The private wine delivery license application shall comply with licensure requirements in this article and shall contain any information required by the commissioner.

(d) *Sale Requirements.* -

(1) The wine purchase may accompany the purchase of food and the completion of the sale may be accomplished by the delivery of food and sealed wine by the licensee or third-party private wine delivery licensee.

(2) Any purchasing person must be 21 years of age or older, shall not be visibly or noticeably intoxicated at the time of delivery, and shall meet the requirements set forth in this article for the sale of wine.

(3) Food, for purposes of this section, means food that has been cooked, microwaved, or that is pre-packaged food from the manufacturer;

(4) An order, sale, or delivery consisting of food and any combination of sealed wine bottles, cans, or growlers shall not be in excess of 384 fluid ounces of wine; and

(5) A third-party private wine delivery licensee shall not have a pecuniary interest in a Class B wine licensee, as set forth in this article. A third-party private wine delivery licensee may only charge a convenience fee for the delivery of wine. The third-party private wine delivery licensee may not collect a percentage of the delivery order for the delivery of alcohol but may collect a percentage of the delivery order directly related to food only. The convenience fee charged by the third-party private wine delivery licensee to the purchasing person shall be no greater than five dollars per delivery order where wine is ordered by the purchasing person. For any third-party licensee also licensed for nonintoxicating beer or nonintoxicating craft beer delivery as set forth in §11-16-6f of the code, the total convenience fee of any order, sale, and delivery shall not exceed five dollars.

(e) Private Wine Delivery Requirements. -

(1) Delivery persons employed for the delivery of sealed wine shall be 21 years of age or older. The third-party private wine delivery licensee or a Class B wine licensee shall file each delivery person's name, driver's license, and vehicle information with the commissioner;

(2) The third-party private wine delivery licensee or Class B wine licensee shall train delivery persons on verifying legal identification and in identifying the signs of intoxication and certification. The third-party private wine delivery licensee or Class B wine licensee shall submit certification of the training to the commissioner;

(3) The third party delivery licensee or Class B wine licensee must hold a retail transportation permit for each vehicle delivering sealed wine as required by subsection (g) of this section: *Provided*, That a delivery driver may retain an electronic copy of his or her permit as proof of licensure;

(4) The third-party private wine delivery licensee or Class B wine licensee may only deliver food and sealed wine orders by a third-party private wine delivery licensee or Class B wine licensee in the county where the wine licensee is located;

(5) The third-party private wine delivery licensee or Class B wine licensee may only deliver food and sealed wine to addresses located in West Virginia with all sales and municipal taxes accounted for and paid;

(6) A third-party private wine delivery licensee or Class B wine licensee may not deliver food and sealed wine to any other wine licensees;

(7) Deliveries of food and sealed wine are only for personal use, and not for resale; and

(8) A third-party private wine delivery licensee or Class B wine licensee shall not deliver and leave food and sealed wine at any address without verifying a person's age and identification as required by this section.

(f) Telephone, mobile ordering application, or web-based software requirements. -

(1) The delivery person shall only permit the person who placed the order through a telephone, a mobile ordering application, or web-based software to accept the food and wine delivery which is subject to age verification upon delivery with the delivery person's visual review and verification and, as applicable, a stored scanned image of the purchasing person's legal identification;

(2) Any mobile ordering application or web-based software used shall create a stored record and image of the purchasing person's legal identification and details of the sale, accessible by the delivery driver for verification, and shall include the delivery driver's name and vehicle information;

(3) Any telephone ordering system shall maintain a log or record of the purchasing person's legal identification and details of the sale, accessible by the delivery driver for verification, and must include the delivery driver's name and vehicle information;

(4) All records are subject to inspection by the commissioner. The third-party private wine delivery licensee or Class B wine

licensee shall retain the records for inspection for three years. The third-party private wine delivery licensee or Class B wine licensee may not unreasonably withhold the records from the commissioner's inspection; and

(5) Each vehicle delivering wine shall be issued a private wine retail transportation permit under subsection (g) of this section.

(g) *Private Wine Retail Transportation Permit.* -

(1) A Class B wine licensee or third party private wine delivery licensee shall obtain and maintain a retail transportation permit for the delivery of food and wine.

(2) A Class B wine licensee or third party private wine delivery licensee shall provide vehicle and driver information requested by the commissioner. Upon any change in vehicles or drivers, the licensee shall update the driver and vehicle information with the commissioner within 10 days of the change.

(3) In conjunction with §60-6-12 of this code, a private wine retail transportation permit shall meet the requirements of a transportation permit authorizing the permit holder to transport wine subject to the requirements of this chapter.

(h) *Enforcement.* -

(1) The licensee or third-party private wine delivery licensee are each responsible for any violations committed by their employees or agents under this article, and more than one violation may be issued for a single violation involving multiple licensees, employees, or independent contractors.

(2) Any license or permit granted by this section is subject to the penalties of probation, monetary fines, suspension, and revocation, as set forth in this article, for violations committed by the licensee, its employees, or independent contractors.

(3) It is a violation for any licensee, its employees, or independent contractors to break the seal of a wine bottle, wine can, or wine growler. A person who violates the provisions of this

subdivision is subject to the maximum penalties available in this article.

(4) For purposes of criminal enforcement of the provisions of this article, persons ordering, purchasing, and accepting delivery of orders are considered to be purchasers.

§60-8-18. Revocation, suspension, and other sanctions which may be imposed by the commissioner upon the licensee; procedure for appealing any final order of the commissioner which revokes, suspends, sanctions, or denies the issuance or renewal of any license issued under this article.

(a) The commissioner may on his or her own motion, or shall on the sworn complaint of any person, conduct an investigation to determine if any provisions of this article or any rule promulgated or any order issued by the commissioner has been violated by any licensee. After investigation, the commissioner may impose penalties and sanctions as set forth ~~below~~ in this section.

(1) If the commissioner finds that the licensee has violated any provision of this article or any rule promulgated or order issued by the commissioner, or if the commissioner finds the existence of any ground on which a license could have been refused, if the licensee were then applying for a license, the commissioner may:

(A) Revoke the licensee's license;

(B) Suspend the licensee's license for a period determined by the commissioner not to exceed 12 months; ~~or~~

(C) Place the licensee on probation for a period not to exceed 12 months; ~~and~~ or

(D) Impose a monetary penalty not to exceed \$1,000 for each violation where revocation is not imposed.

(2) If the commissioner finds that a licensee has willfully violated any provision of this article or any rule promulgated or any

order issued by the commissioner, the commissioner shall revoke the licensee's license.

~~(b) If a supplier or distributor fails or refuses to keep in effect the bond required by §60-8-29 of this article, the commissioner shall automatically suspend the supplier or distributor's license until the bond required by §60-8-20 of this article is furnished to the commissioner, at which time the commissioner shall vacate the suspension~~

~~(e)~~(b) Whenever the commissioner refuses to issue a license, or suspends or revokes a license, places a licensee on probation, or imposes a monetary penalty, he or she shall enter an order to that effect and cause a copy of the order to be served in person or by certified mail, return receipt requested, on the licensee or applicant.

~~(d)~~(c) An applicant or licensee, as the case may be, adversely affected by the order has a right to a hearing before the commissioner if a written demand for hearing is served upon the commissioner within 10 days following the receipt of the commissioner's order by the applicant or licensee. Timely service of a demand for a hearing upon the commissioner operates to suspend the execution of the order with respect to which a hearing has been demanded, except an order suspending a license under the provisions of §60-8-29 of this code. The person demanding a hearing shall give security for the cost of the hearing in a form and amount as required by the commissioner ~~may reasonably require~~. If the person demanding the hearing does not substantially prevail in the hearing or upon judicial review thereof as provided in subsections ~~(e)~~(f) and ~~(h)~~(g) of this section, then the costs of the hearing shall be assessed against him or her by the commissioner and may be collected by an action at law or other proper remedy.

~~(e)~~(d) Upon receipt of a timely served written demand for a hearing, the commissioner shall immediately set a date for the hearing and notify the person demanding the hearing of the date, time, and place of the hearing, which shall be held within 30 days after receipt of the demand. At the hearing, the commissioner shall hear evidence and thereafter enter an order supporting by findings

of facts, affirming, modifying, or vacating the order. Any such order is final unless vacated or modified upon judicial review.

~~(f)~~(e) The hearing and the administrative procedure prior to, during, and following the hearing shall be governed by and in accordance with the provisions of §29A-5-1 *et seq.* of this code.

~~(g)~~(f) Notwithstanding the provisions of §29A-5-4(b) of this code, an applicant or licensee adversely affected by a final order entered following a hearing has the right ~~of~~ to judicial review of the order code in the Circuit Court of Kanawha County or the circuit court in the county where the proposed or licensed premises is located and will or does conduct sales: *Provided*, That in all other respects, ~~such~~ the review shall be conducted in the manner provided in chapter 29A of this code. The applicant or licensee shall file the petition for the review ~~must be filed~~ with the circuit court within 30 days following entry of the final order issued by the commissioner. An applicant or licensee obtaining judicial review is required to pay the costs and fees incident to transcribing, certifying, and transmitting the records pertaining to the matter to circuit court.

~~(h)~~(g) The judgment of the circuit court reviewing the order of the commissioner is final unless reversed, vacated, or modified on appeal to the Supreme Court of Appeals in accordance with the provisions of §29A-6-1 of this code.

~~(i)~~(h) Legal counsel and services for the commissioner in all proceedings in any circuit court and the Supreme Court of Appeals shall be provided by the Attorney General or his or her assistants and in any proceedings in any circuit court by the prosecuting attorney of that county as well, all without additional compensation.

§60-8-20. Unlawful acts generally.

It ~~shall be~~ is unlawful:

(a) For a supplier or distributor to sell or deliver wine purchased or acquired from any source other than a person registered under the provisions of §60-8-6 of this code or for a

retailer to sell or deliver wine purchased or acquired from any source other than a licensed distributor or a farm winery as defined in §60-1-5a of this code;

(b) Unless otherwise specifically provided by the provisions of this article, for a licensee under this article to acquire, transport, possess for sale, or sell wine other than in the original package;

(c) For a licensee, his or her servants, agents or employees to sell, furnish or give wine to any person less than 21 years of age, or to a ~~mental~~ mentally incompetent person or person who is physically incapacitated due to the consumption of alcoholic liquor or the use of drugs: *Provided*, That the provisions of section §60-3A-25a of this code shall apply to sales of wine;

(d) For a licensee to permit a person who is less than 18 years of age to sell, furnish or give wine to any person, except as provided for in subsection (g) of this section;

(e) For a supplier or a distributor to sell or deliver any brand of wine purchased or acquired from any source other than the primary source of supply of the wine which granted the distributor the right to sell the brand at wholesale. For the purposes of this article, 'primary source of supply' means the vintner of the wine, the importer of a foreign wine who imports the wine into the United States, the owner of a wine at the time it becomes a marketable product, the bottler of a wine or an agent specifically authorized by any of the above-enumerated persons to make a sale of the wine to a West Virginia distributor: *Provided*, That no retailer shall sell or deliver wine purchased or acquired from any source other than a distributor or farm winery licensed in this state: *Provided, however*, That nothing herein is considered to prohibit sales of convenience between distributors licensed in this state wherein one distributor sells, transfers, or delivers to another distributor a particular brand or brands for sale at wholesale, of which brand or brands the other distributor has been authorized by a licensed supplier to distribute. The commissioner shall promulgate legislative rules necessary to carry out the provision of this subsection;

(f) For a person to violate any ~~reasonable~~ rule promulgated by the commissioner under this article;

(g) Nothing in this article, nor any rule or regulation of the commissioner, shall prevent or be considered to prohibit any licensee from employing any person who is at least 18 years of age to serve in any licensee's lawful employment, including the sale ~~or~~ delivery of wine or distribution of wine on behalf of a winery, farm winery, farm entity, supplier, or distributor under the provisions of this article. With the prior approval of the commissioner, a licensee whose principal business is the sale of food or consumer goods or the providing of recreational activities, including, but not limited to, ~~nationally franchised fast food outlets, family oriented restaurants, bowling alleys, drug stores, discount stores, grocery stores and convenience stores,~~ may employ persons who are less than 18 years of age but at least 16 years of age: *Provided*, That the person's duties may ~~not~~ include the sale ~~or~~ delivery of nonintoxicating beer or wine alcoholic liquors only when directly supervised by a person 21 years of age or older: *Provided, however*, That the authorization to employ persons under ~~the age of 18 years of age~~ shall be clearly indicated on the licensee's license-: *Provided, further*, That nothing in this article, nor any rule or regulation of the commissioner, shall prevent or be considered to prohibit any licensee from employing any person who is at least 21 years of age for the ordering and delivery of wine when licensed for the ordering and delivery of wine under the provisions of this article.

§60-8-29. ~~Bond~~ Affidavit of compliance required of distributors and suppliers.

Each applicant for a distributor's license or a supplier's license shall furnish at the time of application ~~a bond with a corporate surety authorized to transact business in this State, payable to the State, and conditioned on the payment of all taxes and fees herein prescribed and on the faithful performance of and compliance with the provisions of this article.~~ an affidavit of compliance with federal and state laws regarding tied house laws, trade practice requirements, and furnishing things of value requirements set forth in the code and the rules. The commissioner shall suspend the

licenses of licensed distributors and suppliers upon 10 days written notice by the commissioner, for failing to pay their taxes to the Tax Commissioner or who are not otherwise in good standing with the commissioner and other state agencies. If the licensed distributors and suppliers fail to pay their taxes or otherwise fail to take corrective actions to put the licensed distributors and suppliers in good standing within 30 days from the date of suspension of the licensee's license, then the commissioner shall revoke the licensee's license pursuant to the requirements of this article.

~~The penal sum of the bond for distributors shall be ten thousand dollars and the penal sum of the bond for suppliers shall be \$10,000. Each distributor shall be required to furnish separate bond for each location or separate place of business from which wine is distributed, sold or delivered. Revocation or forfeiture of the bond furnished for any such location may, in the discretion of the commissioner, cause the revocation or forfeiture of all such bonds furnished by the distributor suffering such revocation or forfeiture.~~

§60-8-32a. Where wine may be sold and consumed for on-premises consumption.

(a) With prior approval of the commissioner, a Class A wine licensee may sell, serve, and furnish wine for on premises consumption in a legally demarcated area which may include a temporary private wine outdoor dining area or a temporary private wine outdoor street dining area. A temporary private wine outdoor street area shall be approved by the municipal government or county commission in which the licensee operates. The commissioner shall develop and make available an application form to facilitate the purposes of this subsection.

(b) The Class A wine licensee shall submit to a municipality or county commission for the approval of the private wine outdoor dining area or private wine outdoor street dining area and submit to the municipality or county commission a revised floorplan requesting to sell wine, subject to the commissioner's requirements, in an approved and bounded outdoor area. For private wine outdoor street dining or private wine outdoor dining the approved and bounded outdoor area need not be adjacent to the

licensee's licensed premises, but in close proximity and under the licensee's control and with right of ingress and egress. For purposes of this section, 'close proximity,' means an available area within 150 feet of the licensee's licensed premises.

(c) This private wine outdoor dining or private wine outdoor street dining may be operated in conjunction with a private outdoor dining or private outdoor street dining area set forth in §60-7-8d of this code, and nonintoxicating beer or nonintoxicating craft beer outdoor dining or outdoor street dining set forth in §11-16-9 of this code.

(d) For purposes of this section, 'private wine outdoor dining and private wine outdoor street dining' include dining areas that are:

(1) Outside and not served by an HVAC system for air handling services and use outside air;

(2) Open to the air; and

(3) Not enclosed by fixed or temporary walls; however, the commissioner may seasonally approve a partial enclosure with up to three temporary or fixed walls.

Any areas where seating is incorporated inside a permanent building with ambient air through HVAC is not considered outdoor dining pursuant to this subsection.

(e) Class A licensees licensed for on-premises sales shall provide food or a meal along with sealed wine in the original container or a sealed wine growler sales and service as set forth in this section and in §60-8-3 of this code, to a patron who is in-person or in-vehicle while picking up food and sealed wine in the original containers or sealed wine growlers ordered-to-go, subject to verification that the purchasing person is 21 years of age or older, and not visibly, or noticeably intoxicated, and as otherwise specified in this article.

§60-8-34. When retail sales prohibited.

It ~~shall be~~ is unlawful for a retailer, farm winery, wine specialty shop retailer, private wine bed and breakfast, private wine restaurant, or private wine spa licensee, his or her servants, agents, or employees to sell or deliver wine between the hours of 2:00 a.m. and ~~10:00~~ 6:00 a.m. or, it ~~shall be~~ is unlawful for a winery, farm winery, private wine bed and breakfast, private wine restaurant, or private wine spa, his or her servants, agents, or employees to sell wine between the hours of 2:00 a.m. and 1:00 p.m. in any county upon approval as provided for in §7-1-3ss of this code, ~~on Sundays,~~ or between the hours of 2:00 a.m. and ~~7:00~~ 6:00 a.m. on weekdays, ~~and Saturdays, and Sundays.~~

ARTICLE 8A. MANUFACTURE AND SALE OF HARD CIDER.**§60-8A-1. Definition of Hard Cider.**

‘Hard Cider’ means a type of wine that is derived primarily from the fermentation of apples, pears, peaches, honey, or other fruit, or from apple, pear, peach, or other fruit juice concentrate and water; contains no more than 0.64 grams of carbon dioxide per 100 milliliters; contains at least one half of one percent and less than 12 and one half percent alcohol by volume; and is advertised, labeled, offered for sale, or sold, as hard cider or cider containing alcohol, and not as a wine, wine product, or as a substitute for wine.

§60-8A-2. Applicability of other laws and licenses.

(a) Except as stated in this article, all wine licenses and other wine requirements set forth in §60-8-1 et seq., §60-4-3b, and §60-6-2, of this code, shall apply to the manufacture, distribution, or sale of hard cider. Any person or licensee legally authorized to manufacture, distribute, or sell wine may manufacture, distribute, or sell hard cider in the same manner and to the same persons, and subject to the same limitations and conditions, as such license or legal right authorizes him or her to manufacture, distribute, or sell wine. No additional wine license fees shall be charged for the privilege of manufacturing, distributing, or selling hard cider.

(b) Except as stated in this article, all hard cider distributors are bound by all wine distribution requirements set forth in §60-8-1 et seq., §60-4-3b, and §60-6-2, of this code which shall apply to distribution of hard cider. Any person or licensee legally authorized to distribute hard cider may distribute hard cider in the same manner and to the same persons, and subject to the same limitations and conditions, as a license or legal right would authorize him or her to distribute wine. An additional hard cider license fee shall not be charged for the privilege of distributing hard cider.

§60-8A-3. Taxation; reporting; deposits into Agriculture Development Fund; penalties for failure to file returns; application of state tax law; rulemaking authority.

(a) There is hereby levied and imposed on all hard cider sold on and after July 1, 2021, by wineries, farm wineries, and suppliers to distributors, and including all hard cider sold and sent to persons 21 years of age or older who reside in West Virginia from direct shippers, a tax of 22.6 cents per gallon, in like ratio for any partial gallon or other unit of measure: *Provided*, That wineries, farm wineries, and suppliers eligible for federal tax credits in 26 U.S.C. 5041(c)(1) on hard cider are eligible for the credits in this state against the tax on hard cider. In the case of a person who produces not more than 250,000 wine gallons of hard cider during the calendar year, there shall be allowed as a credit against any tax imposed by this section of 5.6 cents per wine gallon on the first 100,000 wine gallons of hard cider which are removed during such year for consumption or sale and which have been produced at qualified facilities in the United States. That credit shall be reduced by one percent for each 1,000 wine gallons of hard cider produced in excess of 150,000 wine gallons of hard cider during the calendar year. For the purposes of this section, the term ‘wine gallon’ means a United States gallon of liquid measure equivalent to the volume of 231 cubic inches. On lesser quantities, the tax shall be paid proportionately (fractions of less than one-tenth gallon being converted to the nearest one-tenth gallon, and five-hundredths gallon being converted to the next full one-tenth gallon). Hard cider is exempt from the liter tax established under §60-8-4 of this code.

(b) The Tax Commissioner shall deposit, at least quarterly, after deducting the amount of any refunds lawfully paid and any administrative fees authorized by this code, the taxes for the hard cider, pursuant to this section, in the Agriculture Development Fund established by §19-2-12 of this code.

(c) Before the 16th day of each month thereafter, every winery, farm winery, supplier, distributor, and direct shipper shall make a written report under oath to the Tax Commissioner and the commissioner showing the identity of the purchasing person, the quantity, label, and alcoholic content of hard cider sold by the winery, farm winery, and supplier to West Virginia distributors or the direct shipper to persons 21 years of age or older who reside in West Virginia during the preceding month and at the same time shall pay the tax imposed by this article on the hard cider sold to the distributor or to persons 21 years of age or older who reside in West Virginia during the preceding month to the Tax Commissioner.

The reports shall contain other information and be in the form required by the Tax Commissioner. For purposes of this article, the reports required by this section shall be considered tax returns covered by the provisions of §11-10-1 *et seq.* of this code. Failure to timely file the tax returns within five calendar days of the 16th day of each month subjects a winery, farm winery, supplier, distributor, and direct shipper to penalties under §60-8-18 of this code.

(d) No hard cider imported, sold, or distributed in this state or sold and shipped to this state by a direct shipper shall be subject to more than one per-gallon tax on hard cider.

(e) *Administrative procedures.* — Each and every provision of the West Virginia Tax Procedure and Administration Act set forth in § 11-10-1 *et seq.* of this code, applies to the taxes imposed pursuant to this section, except as otherwise expressly provided in this article, with like effect as if that act were applicable only to the taxes imposed by this section and were set forth in extenso in this article.

(f) *Criminal penalties.* — Each and every provision of the West Virginia Tax Crimes and Penalties Act set forth in § 11-9-1 et seq. of this code applies to the taxes imposed pursuant to this section with like effect as if that act were applicable only to the taxes imposed pursuant to this article and were set forth in extenso in this article.

(g) The Tax Commissioner may propose legislative rules for legislative approval, pursuant to §29A-3-1 et seq. of this code, to implement this section.

§60-8A-4. Fruit sources; phase in; applications.

(a) On and after July 1, 2021, pursuant to §60-3-25 of this code, any farm winery attempting to manufacture hard cider may apply to the Agriculture Commissioner with a copy to the commissioner showing its inability to obtain 75 percent of the apples, pears, peaches, honey, or other fruits necessary to produce its hard cider from within this state. The Agriculture Commissioner may issue a permit to the applicant to import such fruit, honey, or fruit juice concentrate in an amount determined necessary by the Agriculture Commissioner to allow the farm winery to produce hard cider within the percentage established by §60-1-5a of this code.

(b) The burden of proof is on the applicant to show that apples, pears, peaches, honey, or other fruits, of the type normally used by the licensee are not available from any other source within the State of West Virginia. The commissioner shall not consider an application for a permit under this section unless it is accompanied by written findings by the Agriculture Commissioner in support of the application.

(c) Notwithstanding any provision in §60-3-25 of this code, to the contrary, any permit issued under this section is effective for a period of up to three years: *Provided*, That the applicant files an annual statement of necessity, supported by written findings from the Agriculture Commissioner, with the commissioner. After the five-year permit issued pursuant to this section has expired, the applicant shall submit any subsequent application for a permit pursuant to §60-3-25 of this code.

§60-8A-5. Winery or farm winery licensee's authority to manufacture, sell, and provide complimentary samples; growler sales; advertisements; taxes; fees; rulemaking.

(a) Sales of hard cider. — A licensed winery or farm winery with its principal place of business or manufacturing facility located in the State of West Virginia may offer hard cider manufactured by the licensed winery or farm winery for retail sale to customers from the winery's or farm winery's licensed premises for consumption off of the licensed premises only in approved and registered hard cider kegs, bottles, or cans, or also sealed wine growlers for personal consumption and not for resale. A licensed winery or farm winery may not sell, give, or furnish hard cider for consumption on the premises of the principal place of business or manufacturing facility located in the State of West Virginia, except for the limited purpose of complimentary samples as permitted in subsection (b) of this section. 'Wine Growler' has the meaning set forth in §60-8-6c(g) of this code.

(b) Complimentary samples. — A licensed winery or farm winery with its principal place of business or manufacturing facility located in the State of West Virginia may offer complimentary samples of hard cider manufactured at the winery's or farm winery's principal place of business or manufacturing facility located in the State of West Virginia. The complimentary samples may be no greater than two fluid ounces per sample per patron, and a sampling shall not exceed six complimentary two-fluid ounce samples per patron per day. A licensed winery or farm winery providing complimentary samples shall provide complimentary food items to the patron consuming the complimentary samples; and prior to any sampling, verify, using proper identification, that the patron sampling is 21 years of age or older and that the patron is not noticeably or visibly intoxicated.

(c) Retail sales. — Every licensed winery or farm winery under this section shall comply with all the provisions applicable to wine retailers when conducting sales of hard cider and is subject to all applicable requirements and penalties.

(d) *Payment of taxes and fees.* — A licensed winery or farm winery under this section shall pay all taxes and fees required of licensed wine retailers, in addition to any other taxes and fees required, and meet applicable licensing provisions as required by law and by rule of the commissioner.

(e) *Advertising.* — A licensed winery or farm winery may advertise a particular brand or brands of hard cider produced by the licensed winery or farm winery and the price of the hard cider subject to state and federal requirements or restrictions. The advertisement may not encourage intemperance or target minors.

(f) *Growler requirements.* — A licensed winery or farm winery, if offering wine growler filling services, shall meet the filling, labeling, sanitation, and all other wine growler requirements in §60-8-6c of this code.

(g) *Fee.* — There is no additional fee for a licensed winery or farm winery authorized under §60-8-6c of this code, to sell wine growlers, if a winery or farm winery only desires to sell hard cider in the wine growler, and no other wine, then the annual nonprorated and nonrefundable license fee is \$50.

§60-8A-6. Rule-making authorization.

The West Virginia Alcoholic Beverage Control Commissioner may propose legislative rules for legislative approval, pursuant to §29A-3-1 *et seq.* of this code, to implement this article.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY, AND DECENCY.

§61-8-27. Unlawful admission of children to dance house, etc.; penalty.

Any proprietor or any person in charge of a dance house, concert saloon, theater, museum, or similar place of amusement, or other place, where wines or spirituous or malt liquors are sold or given away, or any place of entertainment injurious to health or

morals who admits or permits to remain therein any minor under the age of 18 years, unless accompanied by his or her parent or guardian, is guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine not exceeding \$200: *Provided*, That there is exemption from this prohibition for: (a) A private caterer, private club restaurant, private manufacturer club, private fair and festival, private resort hotel, private hotel, private golf club, private nine-hole golf course, private resort hotel, and private golf club private tennis club, private wedding venue or barn, private outdoor dining and private outdoor street dining, private multi-vendor fair and festival license, private farmers market, private professional sports stadium, and a private multi-sports complex licensed pursuant to §60-7-1 *et seq.* of this code and in compliance with §60-7-2(f)(11), §60-7-2(g)(8), §60-7-2(h)(74), §60-7-2(i)(78), and §60-7-2(j)(7), §60-7-2(k)(8), §60-7-2(l)(8), §60-7-2(m)(7), §60-7-2(n)(7), §60-7-2(o)(8), §60-7-2(p)(8), §60-7-2(q)(12), §60-7-2(r)(8), §60-7-2(s)(9), §60-7-8c(b)(14), §60-7-8d, and §60-8-32a, of this code; or (b) a private club with more than 1,000 members that is in good standing with the Alcohol Beverage Control Commissioner, that has been approved by the Alcohol Beverage Control Commissioner; and which has designated certain seating areas on its licensed premises as nonalcoholic liquor and nonintoxicating beer areas, as noted in the licensee's floorplan; or (c) a private fair and festival that is in compliance with §60-7-2(f)(7) of this code, by utilizing using a mandatory carding or identification program whereby by which all members or guests being served or sold alcoholic liquors, nonintoxicating beer, or nonintoxicating craft beer are asked and must required to provide their proper identification to verify their identity and further that they are of legal drinking age, 21 years of age or older, prior to each sale or service of alcoholic liquors, nonintoxicating beer, or nonintoxicating craft beer.”

And,

The further title amendment, sponsored by Delegate Summers, amending the title of the bill to read as follows:

Com. Sub. for H. B. 2025 – “A Bill to amend and reenact §7-1-3ss of the Code of West Virginia, 1931, as amended, to amend

and reenact §11-16-9 and §11-16-18 of said code; to amend said code by adding thereto four new sections, designated §11-16-6d, §11-16-6e, §11-16-6f and §11-16-11c; to amend said code by adding thereto two new sections, designated §19-2-12 and §19-2-13; to amend and reenact §60-1-5a of said code; to amend said code by adding thereto a new section, designated §60-3A-3b; to amend and reenact §60-3A-25 of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend said code by adding thereto a new section, designated §60-4-3c; to amend and reenact §60-6-8 of said code; to amend and reenact §60-7-2, §60-7-6, and §60-7-12 of said code; to amend said code by adding thereto five new sections, designated §60-7-8b, §60-7-8c, §60-7-8d, §60-7-8e, and §60-7-8f; to amend and reenact §60-8-2, §60-8-3, §60-8-4, §60-8-18, §60-8-20, §60-8-29 and §60-8-34 of said code; to amend said code by adding thereto five new sections, designated §60-8-6c, §60-8-6d, §60-8-6e, §60-8-6f and §60-8-32a; to amend said code by adding thereto a new article, designated §60-8A-1, §60-8A-2, §60-8A-3, §60-8A-4, §60-8A-5, and §60-8A-6; and to amend and reenact §61-8-27 of said code, all relating to nonintoxicating beer, nonintoxicating craft beer, liquor, wine, and hard cider sales in this state; providing for changing the time for nonintoxicating beer, nonintoxicating craft beer, liquor, and wine sales to begin at 6:00 a.m. on all days of the week for on and off premises licensees; authorizing Class A and Class B licensed retailers and third parties to obtain a license to deliver nonintoxicating beer and nonintoxicating craft beer; allowing the sale, ordering, and delivery of nonintoxicating beer and nonintoxicating craft beer by a telephone, mobile ordering application or web-based software program; setting forth sale, delivery and telephone, mobile ordering application or web-based software program requirements; providing for enforcement; exempting Class A and Class B licensees from an additional licensing fee, and establishing a license fee for third parties, and requiring a nonintoxicating beer retail transportation permit for delivery vehicles; establishing a nonintoxicating beer and nonintoxicating craft beer direct shippers license to allow shipping in state and out of state; providing license requirements, shipping requirements, limitations, and fees; requiring the payment of fees and taxes, the maintenance of records and the preparation of reports; providing for penalties, criminal

penalties, and jurisdiction for direct shipping licensees; authorizing Class A and Class B licensees to sell and deliver sealed nonintoxicating beer and nonintoxicating craft beer for consumption off the premises if certain conditions are met; providing certain licensees with the authority to sell, serve, and furnish nonintoxicating beer and nonintoxicating craft beer in approved outdoor dining areas, and outdoor street dining areas if certain requirements are met; defining terms; authorizing in-person or in-vehicle pick up of purchased food or meals and nonintoxicating beer or nonintoxicating craft beer orders-to-go; creating an unlicensed brewer or home brewer temporary special license for providing samples at licensed fairs and festivals, specifying requirements, setting a license fee and requiring a nonintoxicating beer or nonintoxicating craft beer transportation permit; reducing the fee for a nonintoxicating beer or nonintoxicating craft beer floorplan extension; permitting licensees to employ persons 16 years of age in sale and service of liquor, beer, and wine when supervised by an employee who is 21 years of age or older; establishing the Agriculture Development Fund to fund the hard cider development program created to foster the development and growth of the hard cider industry in this state; creating a private liquor delivery license for retail liquor outlets and third parties with sale and delivery requirements; establishing a private liquor bottle delivery permit; authorizing retail liquor outlets to sell sealed bottles of liquor through a window in a drive-up or drive-through; creating a private manufacturer club license for distilleries, mini-distilleries, micro-distilleries, wineries, and farm wineries, setting forth requirements, and providing for a license fee; authorizing distilleries, mini-distilleries, and micro-distilleries to also operate wineries, farm wineries, brewers, or resident brewers; authorizing wineries and farm wineries to operate and be licensed as distilleries, mini-distilleries, micro-distilleries, to operate and be licensed as wineries, farm wineries, brewery, or as resident brewers; removing prohibition against a single person having more than one winery or farm winery license or both a winery and farm winery license; declaring that agricultural use designation is unchanged for building code and property tax classification upon opening any type of distillery or winery; establishing a private direct shippers license to allow distilleries,

mini-distilleries and micro-distilleries to ship liquor in state and out of state; providing license requirements, shipping requirements, limitations, and fees; requiring direct shipping licensees shipping liquor in this state pay all taxes and fees and maintain certain records; authorizing the ability to pre-mix alcoholic liquors, establishing certain requirements, and creating a permit; creating a private direct shipper license, setting forth requirements and providing for a license fee; creating private caterer license, a private club bar license, a private club restaurant license, a private manufacturer club license, a private farmers market license, a private multi-sport complex license, a private tennis club license, a private professional sports stadium license, a private wedding venue or barn license, a one-day charitable rare, antique, or vintage liquor auction license for charitable purposes, and a private multi-vendor fair and festival license and setting forth requirements and providing for license fees; reducing license fees for two years due to COVID-19 pandemic; creating temporary private outdoor dining and temporary private outdoor street dining areas as legally demarcated areas that are not a public place where a private club licensee may sell and furnish alcoholic liquors; authorizing and creating craft cocktail growlers and setting forth requirements and limitations, and exempting certain licenses from a license fee; creating a private cocktail delivery license for licensed private club restaurants, private manufacturer clubs and third parties, setting forth requirements, including specific requirements for craft cocktail growlers, specifying limitations, and requiring a private craft cocktail delivery permit for delivery vehicles; authorizing in-person or in-vehicle pick up of purchased food or a meal and craft cocktail growler orders-to-go; providing for wine definitions to clarify various aspects of wine, including the alcohol by volume percentage for table wine, wine, and fortified wine; removing restriction on number of one-day licenses which may be issued in a single year to a nonprofit to sell and serve wine for charitable purposes; requiring at least 80 percent of the net proceeds from a one day charitable auction be donated to the nonprofit; clarifying penalties for failure to meet wine licensure requirements; replacing wine bond requirements that secure the payment of taxes by distributors, suppliers, certain wineries, and certain farm wineries, who are acting as either suppliers or distributors in a limited

capacity, with an affidavit of compliance; providing penalties for failure to pay taxes and maintain good standing with the state; authorizing wineries and farm wineries to sell wine growlers and provide samples and establishing requirements and limitations; authorizing certain Class A and Class B licensees to sell sealed wine and wine growlers, and setting forth requirements and limitations; authorizing legislative rules; creating a private wine delivery license for Class A and Class B wine licensees and third parties, setting forth requirements and limitations, providing fees for certain licensees; creating a private wine retail transportation permit, setting forth requirements, and requiring no additional fee; creating private wine outdoor dining and private wine outdoor street dining areas as legally demarcated areas that are not a public place where wine may be sold and furnished; authorizing in-person or in-vehicle pick up of purchased food or a meal and wine orders-to-go; defining the term “hard cider”; providing that there is no separate license required to manufacture and sell hard cider under certain conditions; providing for a hard cider distributor’s license and its fee and permitting other current and valid licensees to distribute hard cider without an additional license fee; providing for hard cider exemptions to the wine liter tax; establishing a hard cider gallon tax; providing for the application of West Virginia Tax Procedures and Administration Act and West Virginia Tax Crimes and Penalties Act to the hard cider gallon tax; providing for an internal effective date; providing for a tax credit against the hard cider tax; providing for applicability of other laws; requiring the filing of regular reports to the Tax Commissioner; providing for applications to import products necessary to manufacture hard cider under certain conditions; providing for hard cider sales for consumption on the licensed premises; providing for complimentary samples to be offered; establishing requirements for complimentary samples; permitting the sale of wine growlers; setting forth wine growler requirements, and providing a license fee; and providing additional exceptions to the criminal penalty for the unlawful admission of children to dance house for certain private clubs with approved age verifications systems.”

During debate on the amendment, Delegate Fast was addressing the House when Delegate Martin arose to a point of

order, regarding the content of the Gentleman's remarks pertaining to the bill and not the amendment before the House.

The Speaker replied that the point was not well taken.

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

The yeas and nays having been ordered, they were taken (**Roll No. 632**), and there were—yeas 60, nays 39, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Anderson, Barnhart, Boggs, Brown, Bruce, Burkhammer, Conley, Cooper, Fast, Ferrell, Griffith, Hanna, Haynes, D. Jeffries, J. Jeffries, Jennings, Keaton, D. Kelly, Kessinger, Linville, Longanacre, Mallow, Mandt, Martin, Mazzocchi, Miller, Nestor, J. Pack, L. Pack, Pinson, Rohrbach, Statler, Sypolt, Toney, Wamsley, B. Ward, G. Ward, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: J. Kelly.

So, a majority of the members present having voted in the affirmative, the motion to concur with further amendment was adopted.

Delegates Martin and Thompson requested to be excused from voting under the provisions of House Rule 49.

The Speaker replied that the Delegates were members of a class of persons possibly to be affected and directed the Members to vote.

During debate, Delegate Fluharty was addressing the House when Delegate Wamsley moved the previous question.

The Speaker ruled that Delegate Wamsley did not have the floor.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 633**), and there were—yeas 72, nays 27,

absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Boggs, Brown, Bruce, Burkhammer, Conley, Fast, Ferrell, Hanna, D. Jeffries, Jennings, Keaton, D. Kelly, Longanacre, Mallow, Mandt, Mazzocchi, Miller, J. Pack, L. Pack, Pinson, Rohrbach, Toney, B. Ward, G. Ward, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Kessinger.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2025) passed.

Delegate Steele moved that the bill take effect thirty days from passage.

On this question, the yeas and nays were taken (**Roll No. 634**), and there were—yeas 71, nays 28, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Boggs, Brown, Burkhammer, Conley, Fast, Ferrell, Graves, Hanna, D. Jeffries, Jennings, Keaton, D. Kelly, Longanacre, Mallow, Mandt, Mazzocchi, Miller, J. Pack, L. Pack, Pinson, Rohrbach, Summers, Toney, B. Ward, G. Ward, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Kessinger.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2025) takes effect May 10, 2021.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2022, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

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

On motion of Delegate Kessinger, the House 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 15A. DEPARTMENT OF MILITARY
AFFAIRS AND PUBLIC SAFETY.**

ARTICLE 9. OFFICE OF ADMINISTRATIVE HEARINGS.

§15A-9-1. Office created; appointment of Chief Hearing Examiner.

(a) The Office of Administrative Hearings is created as a separate operating agency within the department.

(b) The secretary shall appoint a director of the office who serves as the administrative head of the office and as Chief Hearing Examiner.

(c) ~~Prior to appointment, the~~ The Chief Hearing Examiner shall be a citizen of the United States and a resident of this state who is admitted to the practice of law in this state.

(d) The salary of the Chief Hearing Examiner shall be set by the secretary of the department.

(e) In addition to adherence to the code of conduct set forth in §6B-2-5a of this code, the Chief Hearing Examiner during his or her term shall:

~~(1) Devote his or her full time to the duties of the position;~~

~~(2) Not otherwise engage in the active practice of law or be associated with any group or entity which is itself engaged in the active practice of law. This subsection does not prohibit the Chief Hearing Examiner from being a member of a national, state, or local bar association or committee, or of any other similar group or organization, nor does it prohibit the Chief Hearing Examiner from engaging in the practice of law by representing himself, herself, or his or her immediate family in their personal affairs in matters not subject to this article;~~

~~(3)~~ (1) Not engage directly or indirectly in any activity, occupation, or business interfering or inconsistent with his or her duties as Chief Hearing Examiner;

~~(4)~~ (2) Not hold any other appointed public office or any elected public office or any other position of public trust; and

~~(5)~~ (3) Not be a candidate for any elected public office, or serve on or under any committee of, any political party.

(f) The Chief Hearing Examiner serves at the will and pleasure of the secretary.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 12. PROBATION AND PAROLE.

§62-12-12. Parole Board generally.

(a) The West Virginia Parole Board is continued as part of the Division of Corrections and Rehabilitation. The board shall consist of nine members, each of whom shall have been a resident of this state for at least five consecutive years prior to his or her appointment. No more than five of the board members may at any one time belong to the same political party, except as provided in subsection (b) of this section. The board shall be appointed by the Governor, by and with the advice and consent of the Senate and shall serve at the will and pleasure of the Governor.

~~Appointments shall be made in such a manner that each congressional district is represented and so that no more than four and no less than two members of the board reside in any one congressional district.~~

(b) The Governor shall appoint one of the nine members to serve as chairperson at the Governor's will and pleasure. In addition to all other powers, duties, and responsibilities granted and assigned to the chairperson by law and rule, the chairperson has the following powers and duties:

(1) To provide for the management of facilities and personnel of the board;

(2) To supervise the administration and operation of the board;

(3) To delegate the powers and duties of his or her office to the vice chairperson or other members of the board, who shall act under the direction of the chairperson and for whose acts he or she is responsible: *Provided*, That if the position of chairperson becomes vacant by death, resignation, or otherwise, the vice chairperson shall assume all the powers and duties of the chairperson until such time as a new chairperson is appointed pursuant to the provisions of this subsection;

(4) To employ one full-time administrative employee, who shall be a classified exempt employee; and

(5) To exercise all other powers and perform all other duties necessary and proper in carrying out his or her responsibilities as chairperson.

(c) The board, from its membership, shall elect a vice chairperson, at least once every year, to serve as chair in the absence of a chairperson. In the absence of or at the direction of the chairperson, the vice chairperson may exercise the powers and duties of the chairperson. The vice chairperson shall, while performing the duties and responsibilities of the chairperson, have all of the statutorily authorized power and duties of the chairperson.

(d) ~~Any person initially appointed to the board on or after July 1, 2012, Members of the board~~ shall have ~~a~~ at least an undergraduate degree from an accredited college or university or at least five years of actual experience in the fields of corrections, law enforcement, sociology, law, education, psychology, social work, or medicine, or a combination thereof, and shall be otherwise competent to perform the duties of his or her office: *Provided, That at least three members initially appointed after July 1, 2021, shall have five or more years experience in the fields of mental health, social work, or inmate reentry services.* All members currently serving on the board shall continue the terms they are currently serving, unless otherwise removed. The members shall be appointed for overlapping terms of six years. Members are eligible for reappointment. The members of the board shall devote their full time and attention to their board duties.

(e) The Governor may, if he or she is informed that a vacancy is imminent, appoint a member to fill the imminent vacancy prior to it becoming vacant: *Provided, That the new member may be appointed no more than 30 days prior to the vacancy occurring and only for purposes of training. He or she may not assume the powers and duties of the position until the vacancy has actually occurred.*

(f) The Governor may appoint no more than five persons to a list of substitute board members. Substitute board members shall meet the qualifications set forth in subsection (d) of this section. The persons on the list shall be used in a rotating fashion. If a full-time board member is unable to serve, a substitute board member may serve in his or her place. These substitute board members shall have the same powers and duties of the fulltime board members while acting as a substitute and shall serve at the will and pleasure of the Governor. These members shall be reimbursed for expenses and paid a per diem rate set by the secretary.

(g) The Division of Corrections and Rehabilitation shall provide administrative and other services to the board as the board requires. Expenses of the board shall be included within the annual budget of the Division of Corrections and Rehabilitation: *Provided, That the salaries of the members appointed pursuant to subsection*

(b) of this section are to be included in a separate budget for the Parole Board.

(h) Notwithstanding any provision of this code to the contrary, meetings of the parole board are not subject to the provisions of §6-9A-1 et seq. of this code: Provided, That hearings before the parole board shall be open to the public.”

And,

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

Com. Sub. for H. B. 2747 – “A Bill to amend and reenact §15A-9-1 of the Code of West Virginia, 1931 as amended, and to amend and reenact §62-12-12 of said code, all relating to offices and officers in the Department of Homeland Security generally; clarifying duties and qualifications of the Chief Hearing Examiner of the Department of Homeland Security; removing language dictating residence requirements of Parole Board members based on congressional districts; clarifying that substitute Parole Board members serve at the will and pleasure of the Governor; directing that a least three board members initially appointed after July 1, 2021, have at least five years experience in social work, mental health, or prisoner reentry; exempting Parole Board meetings from open meeting law and clarifying that parole hearings are open to the public.”

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. 635**), and there were—yeas 73, nays 24, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Barach, Brown, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hanna, Hansen, Hornbuckle, J. Jeffries, Lovejoy, McGeehan, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Hamrick, Horst and Householder.

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. 2747) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 3106, To change the hearing requirement for misdemeanors to 10 days.

On motion of Delegate Kessinger, the House 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:

“ARTICLE 1C. BAIL.

§62-1C-1a. Pretrial release; types of release; conditions for release; considerations as to conditions of release.

(a) Subject to the provisions of §62-1C-1 of this code, when a person charged with a violation or violations of the criminal laws of this state first appears before a judicial officer:

(1) Except for good cause shown, a judicial officer shall release a person charged with a misdemeanor offense on his or her own recognizance unless that person is charged with:

(A) A misdemeanor offense of actual violence or threat of violence against a person;

(B) A misdemeanor offense where the victim was a minor, as defined in §61-8C-1 of this code;

(C) A misdemeanor offense involving the use of a deadly weapon, as defined in §61-7-2 of this code;

(D) A misdemeanor offense of the Uniform Controlled Substances Act as set forth in chapter 60A of this code;

(E) Misdemeanor offenses of sexual abuse;

(F) A serious misdemeanor traffic offense set forth in §17C-5-1 or §17C-5-2 of this code; or

(G) A misdemeanor offense involving auto tampering, petit larceny or possession, transfer or receiving of stolen property when alleged value on the property involved exceeds \$250.

(2) For the misdemeanor offenses specified in subsection (a) of this section and all other offenses which carry a penalty of incarceration, the arrested person is entitled to be admitted to bail subject to the least restrictive condition or combination of conditions that the judicial officer determines reasonably necessary to assure that person will appear as required, and which will not jeopardize the safety of the arrested person, victims, witnesses, or other persons in the community or the safety and maintenance of evidence. Further conditions may include that the person charged shall:

(A) Not violate any criminal law of this state, another state, or the United States;

(B) Remain in the custody of a person designated by the judicial officer, who agrees to assume supervision and to report any violation of a release condition to the court, if the designated person is reasonably able to assure the judicial officer that the person will appear as required and will not pose a danger to himself or herself or to the safety of any other person or the community; (C) Participate in home incarceration pursuant to §62-11B-1 *et seq.* of this code;

(D) Participate in an electronic monitoring program if one is available where the person is charged or will reside.

(E) Maintain employment, or, if unemployed, actively seek employment;

(F) Avoid all contact with an alleged victim of the alleged offense and with potential witnesses and other persons as directed by the court;

(G) Refrain from the use or excessive use of alcohol, or any use of a narcotic drug or other controlled substance, as defined in §60A-1-1 *et seq.* of this code without a prescription from a licensed medical practitioner;

(H) Execute an agreement to forfeit, upon failing to appear as required, property of a sufficient unencumbered value, including money, as is reasonably necessary to assure the appearance of the person as required. The person charged shall provide the court with proof of ownership, the value of the property, and information regarding existing encumbrances of the property as, in the discretion of the judicial officer, is reasonable and necessary collateral to ensure the subsequent appearance of the person as required;

(I) Post a cash bond, or execute a bail bond with solvent sureties who will execute an agreement to forfeit an amount reasonably necessary to assure appearance of the person as required. If other than an approved surety, the surety shall provide the court with information regarding the value of its assets and liabilities and the nature and extent of encumbrances against the surety's property. The surety shall have a net worth of sufficiently unencumbered value to pay the amount of the bail bond; or

(J) Satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of the arrested person, victims, witnesses, other persons in the community, or the safety and maintenance of evidence.

(3) Proper considerations in determining whether to release the arrested person on an unsecured bond, fixing a reasonable amount of bail, or imposing other reasonable conditions of release are:

(A) The ability of the arrested person to give bail;

(B) The nature, number, and gravity of the offenses;

(C) The potential penalty the arrested person faces;

(D) Whether the alleged acts were violent in nature;

(E) The arrested person's prior record of criminal convictions and delinquency adjudications, if any;

(F) The character, health, residence, and reputation of the arrested person;

(G) The character and strength of the evidence which has been presented to the judicial officer:

(H) Whether the arrested person is currently on probation, extended supervision, or parole;

(I) Whether the arrested person is already on bail or subject to other release conditions in other pending cases;

(J) Whether the arrested person has been bound over for trial after a preliminary examination;

(K) Whether the arrested person has in the past forfeited bail or violated a condition of release or was ever a fugitive from justice; and

(L) The policy against unnecessary incarceration of arrested persons pending trial set forth in this section.

(b) In all misdemeanors, cash bail may not exceed three times the maximum fine provided for the offense. If the person is charged with more than one misdemeanor, cash bail may not exceed three times the highest maximum fine of the charged offenses.

(c) Notwithstanding any provisions of this article to the contrary, whenever a person not subject to the provisions of §62-1C-1 of this code remains incarcerated after his or her initial appearance, relating to a misdemeanor, due to the inability to meet the requirements of a secured bond, ~~the~~ a magistrate or judge ~~who set the secured bond~~ shall hold a hearing within ~~72 hours~~ 5 days of setting the initial bail to determine if there is a condition or combination of conditions which can meet the considerations set

forth in ~~subdivision (2), subsection (a) of this section~~ §62-1C-1a(a)(2) of this code.

(d) A judicial officer may upon notice and hearing modify the conditions of release at any time by imposing additional or different conditions.

(e) A prosecuting attorney and defense counsel, unless expressly waived by the defendant, shall appear at all hearings in which bail or bond conditions are at issue other than the proceeding at which the conditions of release are initially set.

(f) No judicial officer may recommend the services of a surety who is his or her relative as that term is defined in §6B-1-3 of this code.”

And,

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

Com. Sub. for H. B. 3106 – “A Bill to amend and reenact §62-1C-1a of the Code of West Virginia, 1931, as amended, relating to bail; increasing the time for a secured bond hearing to 5 days; allowing a bond hearing to be held by any magistrate or judge; and clarifying the bond hearing procedure applies only to misdemeanors.”

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

Nays: Martin and Pritt.

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. 3106) 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 concurrence in the amendment of the House of Delegates, with further amendment, and the passage, as amended, of

Com. Sub. for S. B. 334, Establishing license application process for needle exchange programs.

Delegate Summers moved that the House of Delegates concur in the following further amendments by the Senate:

On page two, section two, subsection (a), subdivision (9), after the word “statement”, by inserting the words “of support”.

On page three, section three, subsection (b), after subdivision (6) by inserting a new subdivision, designated subdivision (7), to read as follows:

“(7) Proof of West Virginia identification upon dispensing of the needles;”.

And by renumbering the remaining subdivisions.

On page six, section seven, subsection (c), after “2021” by striking out the comma and remainder of the sentence;

And,

On page seven, section ten, after subsection (c), by inserting a new subsection, designated subsection (d), to read as follows:

“(d) Upon passage, any existing provider not offering the full array of harm reduction services as set forth in this section shall cease and desist offering all needle exchange services. Any provider offering the full array of harm reduction services shall have until January 1, 2022, to come into compliance with this section. Any new provider shall have until January 1, 2022, to come into compliance with the provisions of this section.”

And,

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

Com. Sub. for S. B. 334 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-63-1, §16-63-2, §16-63-3, §16-63-4, §16-63-5, §16-63-6, §16-63-7, §16-63-8, §16-63-9, and §16-63-10, all relating to syringe services programs; defining terms; providing license application requirements and process; establishing program requirements; providing procedure for revocation or limitation of the syringe services programs; setting forth administrative due process; providing for administrative and judicial appeal; establishing reporting requirements and renewal provisions; providing for rulemaking; providing criminal immunity in certain circumstances; providing civil immunity in certain circumstances; providing for expungement; providing immunity from professional sanction, detention, arrest, or prosecution in certain circumstances; providing for administrative penalties and allowing Office of Health Facilities Licensure and Certification to seek injunctive relief; requiring a syringe services program to coordinate with health care providers; requiring that a syringe services program that is closing to post notice and provide transition care plan for individuals; requiring the Bureau of Medical Services to amend the state plan; and providing for effective date.”

Delegate Zukoff asked to amend the motion to offer a tertiary amendment through a rule suspension.

On this question, the yeas and nays were taken (**Roll No. 637**), and there were—yeas 31, nays 69, absent and not voting none, with the yeas being as follows:

Yeas: Barach, Bates, Boggs, Brown, Bruce, Capito, Dean, Diserio, Doyle, Fleischauer, Fluharty, Forsht, Garcia, Griffith, Hansen, Hornbuckle, Kimes, Lovejoy, L. Pack, Paynter, Pethtel, Pritt, Pushkin, Queen, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

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

On the question of the motion by Delegate Summers to concur in the Senate amendments, Delegate Martin moved the previous question.

The Speaker put the question of “Shall the previous question be ordered?” and the previous question was ordered.

Delegate Pushkin then asked unanimous consent to address the House, objection being heard. Delegate Pushkin then so moved and again asked unanimous consent to address the House.

Delegate J. Pack then arose to inquire of the Chair regarding Delegate Pushkin being able to speak to the bill if the motion to concur was adopted.

The Speaker replied that the Delegate was correct.

The House then adopted the motion to concur in the Senate amendments.

The bill, as amended by the House, and further amended by the Senate, was put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 638**), and there were—yeas 67, nays 32, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Anderson, Barach, Barrett, Bates, Boggs, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Kimes, Lovejoy, McGeehan, Miller, Pethtel, Pritt, Pushkin, Reed, Rowe, Skaff, Statler, Thompson, Walker, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Cooper.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 334) 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 concurrence in the amendment of the House of Delegates, with further amendment, and the passage, as amended, of

Com. Sub. for S. B. 470, Limiting release of certain personal information maintained by state agencies.

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

On page two, section twenty-four, line four, by striking out the words “public defenders, assistant public defenders, and panel attorneys as defined in Chapter 29, Article 21,” and inserting in lieu thereof the words “federal and state public defenders, federal and state assistant public defenders,”.

On page three, section twenty-four, line fifteen, by striking out the words “public defenders, assistant public defenders, and panel attorneys as defined in Chapter 29, Article 21,” and inserting in lieu thereof the words “federal or state public defender, federal or state assistant public defender,”.

On page three, section twenty-four, line thirty-one, by striking out the words “public defenders, assistant public defenders, and panel attorneys as defined in Chapter 29, Article 21,” and inserting in lieu thereof the words “federal or state public defender, federal or state assistant public defender,”.

On page three, section twenty-four, line thirty-three, by striking out the word “publicly”.

On page four, section twenty-four, line thirty-five, by striking out the words “public defenders, assistant public defenders, and panel attorneys as defined in Chapter 29, Article 21,” and inserting in lieu thereof the words “federal or state public defender, federal or state assistant public defender,”.

On page four, section twenty-four, line thirty-nine, after the word “prosecutor,” by inserting the words “federal or state public defender, federal or state assistant public defender,”.

On page four, section twenty-four, line forty, by striking out the words “public defenders, assistant public defenders, and panel attorneys as defined in Chapter 29, Article 21,” and inserting in lieu

thereof the words “federal or state public defender, federal or state assistant public defender.”

On page four, section twenty-four, line forty-seven, after the word “prosecutor” by inserting the words “federal or state public defender, federal or state assistant public defender,”.

On page four, section twenty-four, line forty-nine, by striking out the word “publicly”.

On page four, section twenty-four, line fifty, by striking out the words “subparagraph (e)” and inserting in lieu thereof the words “subsection (e) of this section”.

On page four, section twenty-four, line fifty-three, after the word “prosecutor” by inserting the words “federal or state public defender, federal or state assistant public defender,”.

On page four, section twenty-four, line fifty-six, by striking out the words “public defenders, assistant public defenders, and panel attorneys as defined in Chapter 29, Article 21,” and inserting in lieu thereof the words “federal or state public defender, federal or state assistant public defender.”.

On page four, section twenty-four, line fifty-six, by striking out the word “publicly”.

On page four, section twenty-four, line fifty-seven, by striking out the words “subparagraph (e)” and inserting in lieu thereof the words “subsection (e) of this section”.

And,

On page five, section twenty-four, line seventy-two, by striking out the words “public defenders, assistant public defenders, and panel attorneys as defined in Chapter 29, Article 21,” and inserting in lieu thereof the words “federal or state public defender, federal or state assistant public defender.”.

And,

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

Com. Sub. for S. B. 470 – “A Bill to amend and reenact §5A-8-21 and §5A-8-22 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5A-8-24, all relating certain disclosures of certain personal information; clarifying that certain personal information which is maintained by state agencies regarding persons in their capacity as state officers, employees, retirees, or legal dependents thereof is confidential and exempt from disclosure to non-governmental entities as an unreasonable invasion of privacy; protecting confidentiality of the former legal name of certain individuals associated with state agencies; clarifying that certain personal information which is maintained by state executive branch agencies regarding individuals and their dependents is exempted from disclosure as an unreasonable invasion of privacy; creating Daniel’s Law; providing for liberal construction to accomplish certain purposes and public policies; defining terms; prohibiting certain disclosures regarding certain persons in the judicial system; authorizing a civil action against certain private persons and entities; authorizing relief to be granted by the court; providing for certain individuals to request that certain persons or entities refrain from disclosing certain information and that the disclosed information be removed; requiring immediate removal of certain disclosed information; authorizing a civil action for failure to comply with request to refrain from and remove certain disclosed information; providing for misdemeanor crime for willful refusal to remove certain disclosed information and establishing penalties therefor; and clarifying that Daniel’s Law does not prohibit disclosures required by state or federal law.”

On this motion, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 639**), and there were—yeas 53, nays 46, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Barach, Barnhart, Bates, Boggs, Booth, Bridges, Brown, Bruce, Conley, Criss, Dean, Diserio, Doyle, Evans, Fast, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Horst, J. Kelly, Kimble, Longanacre, Lovejoy, Mandt, McGeehan, Miller,

Nestor, Paynter, Pethtel, Pritt, Pushkin, Reynolds, Rohrbach, Rowe, Skaff, Steele, Thompson, Walker, Wamsley, G. Ward, Williams, Young and Zukoff.

Absent and Not Voting: Cooper.

So, a majority of the members present having voted in the affirmative, the motion prevailed.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 640**), and there were—yeas 60, nays 39, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Barach, Barnhart, Bates, Boggs, Booth, Brown, Bruce, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Griffith, Hansen, Holstein, Hornbuckle, Horst, Longanacre, Mandt, Mazzocchi, McGeehan, Miller, Nestor, Paynter, Pethtel, Pushkin, Reynolds, Rowe, Skaff, Steele, Thompson, Toney, Walker, Wamsley, G. Ward, Williams, Young and Zukoff.

Absent and Not Voting: Cooper.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 470) 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 concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 478, Permitting use of established federal marketplace programs to purchase supplies.

A message from the Senate, by

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

Com. Sub. for S. B. 562, Relating to juvenile competency proceedings.

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

On page one, section seven hundred twelve, subsection (a) by striking out the words “stand trial” and inserting in lieu thereof the word “proceed”.

On page three, section seven hundred twelve, by striking out the words “stand trial” and inserting in lieu thereof the word “proceed”.

On page four, section seven hundred twenty-seven, by striking out all of subsection (e) and inserting in lieu thereof a new subsection, designated subsection (e), to read as follows:

“(e) If and when the issue of a juvenile’s competency is raised under subsection (a) of this section or, a rebuttable presumption of incompetency exists under subsection (c) of this section, the court shall appoint a guardian ad litem for the juvenile. The Supreme Court of Appeals is requested to establish a training program for persons acting as guardians ad litem in juvenile competency matters.”

And,

On page ten, section seven hundred thirty-two, subsection (d) by striking out all of subdivision (1), and inserting in lieu thereof a new subdivision, designated subdivision (1), to read as follows:

“(d) (1) Except as otherwise provided, the court shall make a written determination as to the juvenile’s competency based on a preponderance of the evidence within 10 judicial days after completion of the hearing. The applicable burden of proof shall be as set forth in §49-4-727 of this code.”

The bill, as amended by the House, and further amended by the Senate, was put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 641**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Cooper.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 562) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2370, Provide that Public Service Districts cannot charge sewer rates for filling a swimming pool.

On motion of Delegate Kessinger, the House 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:

“ARTICLE 13A. PUBLIC SERVICE DISTRICTS.

§16-13A-9b. Exemptions for Swimming Pools.

(a) A public service district shall provide the owner of a privately-owned swimming pool with an exemption from sewer charges for the water required to fill the swimming pool, if the water is not discharged into the sewer system.

(b) In order for the owner of a privately-owned swimming pool to qualify for the exemption, the owner shall provide the dimensions of the swimming pool that is being filled to the public service district within 30 days of filling the swimming pool.

(c) The public service district shall calculate the volume of the swimming pool and allow the owner of the privately-owned swimming pool to use the amount of water necessary to fill the pool without charging the owner for the corresponding sewer charges that would normally be associated for that amount of use.

(d) The public service district may inspect the swimming pool of the owner of a privately-owned swimming pool applying for the exemption to verify the dimensions of the swimming pool submitted by the owner.”

And,

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

Com. Sub. for H. B. 2370 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-13A-9b, relating to exempting sewer charges for privately-owned swimming pools; requiring the owner of the swimming pool to provide the dimensions of a pool that is being filled with water; requiring the public service district to calculate the volume of the pool and allow the swimming pool’s owner to use that amount of water for filling the pool without being charged for the corresponding sewer charges; and allowing the public service district to inspect the swimming pool in order to verify the dimensions.”

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. 642**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Kimble, Queen and Young.

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. 2370) passed.

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

On this question, the yeas and nays were taken (**Roll No. 643**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Queen and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2370) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, of

H. B. 2500, Create an act for Statewide Uniformity for Auxiliary Container Regulations.

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

On this question, the yeas and nays were taken (**Roll No. 644**), and there were—yeas 90, nays 8, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Bates, Fluharty, Hansen, Paynter, Pushkin, Walker, Young and Zukoff.

Absent and Not Voting: Cooper and Queen.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2500) takes effect from its passage.

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

A message from the Senate, by

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

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

On motion of Delegate Kessinger, the House 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 55. ACTIONS, SUITS, AND ARBITRATION;
JUDICIAL SALE.**

**ARTICLE 7J. FINANCIAL EXPLOITATION OF AN
ELDERLY PERSON, PROTECTED PERSON, OR
INCAPACITATED ADULT.**

**§55-7J-1. Action for financial exploitation of an elderly person,
protected person, or incapacitated adult; definitions.**

(a) Any elderly person, protected person, or incapacitated adult against whom an act of financial exploitation has been committed may bring an action under this article against any person who has committed an act of financial exploitation against him or her by filing a civil complaint for financial exploitation, a petition for a financial exploitation protective order, or both.

(b) For the purposes of this article:

(1) ‘Incapacitated adult’ has the same meaning as prescribed under §61-2-29 of this code;

(2) ‘Elderly person’ means a person who is 65 years or older;

(3) ‘Financial exploitation’ or ‘financially exploit’ means the intentional misappropriation or misuse of funds or assets or the diminishment of assets due to undue influence of an elderly person, protected person, or incapacitated adult, but may not apply to a transaction or disposition of funds or assets where the defendant

made a good-faith effort to assist the elderly person, protected person, or incapacitated adult with the management of his or her money or other things of value; and

(4) ‘Protected person’ means any person who is defined as a ‘protected person’ in §44A-1-4 of this code and who is subject to the protections of §44A-1-1 *et seq.* or §44C-1-1 *et seq.* of this code.

(c) Any person who believes that an elderly person, protected person, or incapacitated adult is suffering financial exploitation due to the intentional misappropriation or misuse of funds or undue influence may bring an action for a protective order pursuant to this section in the magistrate court or circuit court in the county in West Virginia in which the elderly person, protected person, or incapacitated adult resides or the financial exploitation occurred: *Provided*, ~~That an action for relief brought in the magistrate court of the county of residence of the elderly person, protected person, or incapacitated adult believed to be the victim of financial exploitation~~ order granting a financial exploitation protective order to stay further diminution of the person’s assets of an elderly person, protected person, or incapacitated adult shall be temporary in nature.

(d) An action for a financial exploitation protective order brought under this section is commenced by the filing of a verified petition. Temporary relief may be granted without notice to the person alleged to be engaging in financial exploitation and without that person being present: *Provided*, That notice shall be provided to the person alleged to be engaging in financial exploitation as soon as practicable, and that no final relief may be granted on the petition without a full, adversarial evidentiary hearing on the merits before the court.

(e) If a magistrate court grants the petition for a financial exploitation protective order and issues a temporary financial exploitation protective order, the magistrate court shall immediately transfer the matter to the circuit court of the county in which the petition was filed. Upon receipt of the notice of transfer from the magistrate court, the circuit court shall set the matter for a review hearing within 20 days. Any review hearing shall be a full,

adversarial evidentiary hearing on the merits before the court. After a hearing, the circuit court may issue a permanent protective order containing any relief the circuit court determines necessary to protect the alleged victim if the court finds by a preponderance of the evidence that:

(1) The respondent has committed an act against the victim that constitutes financial exploitation; and

(2) There is reasonable cause to believe continued financial exploitation will occur unless relief is granted; or

(3) The respondent consents to entry of the permanent protective order.

(f) An order entered under this section shall state that a violation of the order may result in criminal prosecution under §61-2-29b of this code and state the penalties therefor.

§55-7J-4. Attorneys' fees; court costs and burden of proof; statute of limitations.

(a) The court may award reasonable attorneys' fees and costs to a person that brings an action under this ~~section~~ article and prevails.

(b) The standard of proof in proving that a person committed financial exploitation in an action pursuant to this article is a preponderance of the evidence.

(c) An action under this article shall be brought within two years from the date of the violation or from the date of discovery, whichever is later in time.

§55-7J-5. Action to freeze assets; burden of proof; options the court may exercise.

(a) An elderly person, protected person, or incapacitated adult may bring an action to enjoin the alleged commission of financial exploitation and may petition the court to freeze the assets of the person allegedly committing the financial exploitation in an

amount equal to, but not greater than, the alleged value of lost property or assets for purposes of restoring to the victim the value of the lost property or assets. The burden of proof required to freeze the assets of a person allegedly committing financial exploitation shall be a preponderance of the evidence. Upon a finding that the elderly person, protected person, or incapacitated adult has been formally exploited, the court may:

(1) Grant injunctive relief;

(2) Order the violator to, place in escrow an amount of money equivalent to the value of the misappropriated assets for distribution to the aggrieved elderly person, protected person, or incapacitated adult;

(3) Order the violator to return to the elderly person, protected person, or incapacitated person any real or personal property which was misappropriated; ~~or~~

(4) Provide for the appointment of a receiver; or

(5) Order any combination or all of the above.

(b) In ~~an~~ any action under §55-7J-1 *et seq.* of this code, the court may void or limit the application of contracts or clauses resulting from the financial exploitation.

(c) In ~~an~~ any civil action brought under this article, upon the filing of the complaint or on the appearance of any defendant, claimant, or other party, or at any later time, the court may require the plaintiff, defendant, claimant, or other party or parties to post security, or additional security, in a sum the court directs to pay all costs, expenses, and disbursements that are awarded against that party or that the party may be directed to pay by any interlocutory order, by the final judgment or after appeal.

(d) An order entered under this section shall state that a violation of the order may result in criminal prosecution under §61-2-29b of this code and state the penalties therefor.

§55-7J-6. Penalty for violation of injunction; retention of jurisdiction.

Any person who violates the terms of an order issued under ~~section five of this article~~ shall be subject to proceeding for contempt of court. The court issuing the injunction may retain jurisdiction if, in its discretion, it determines that to do so is in the best interest of the elderly person, protected person, or incapacitated adult. ~~Whenever~~ If the court determines that an injunction issued under ~~section five of this article~~ §55-7J-5 of this code has been violated, the court may award reasonable costs to the party asserting that a violation has occurred.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-29b. Financial exploitation of an elderly person, protected person, or incapacitated adult; penalties; definitions.

(a) Any person who financially exploits an elderly person, protected person, or an incapacitated adult in the amount of less than \$1,000 is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail for not more than one year, or both fined and confined.

(b) Any person who financially exploits an elderly person, protected person, or an incapacitated adult in the amount of \$1,000 or more is guilty of a felony and, upon conviction thereof, shall be fined not more than \$10,000 and imprisoned in a state correctional facility not less than two nor more than 20 years.

(c) Any person convicted of a violation of this section shall, in addition to any other penalties at law, be subject to an order of restitution.

(d) In determining the value of the money, goods, property, or services referred to in subsection (a) of this section, it shall be permissible to cumulate amounts or values where ~~such~~ the money,

goods, property, or services were fraudulently obtained as part of a common scheme or plan.

(e) Financial institutions and their employees, as defined by §31A-2A-1 of this code and as permitted by §31A-2A-4 of this code, others engaged in financially related activities, as defined by §31A-8C-1 of this code, caregivers, relatives, and other concerned persons are permitted to report suspected cases of financial exploitation to state or federal law-enforcement authorities, the county prosecuting attorney, and to the Department of Health and Human Resources, Adult Protective Services Division, or Medicaid Fraud Division, as appropriate. Public officers and employees are required to report suspected cases of financial exploitation to the appropriate entities as stated above. The requisite agencies shall investigate or cause the investigation of the allegations.

(f) When financial exploitation is suspected and to the extent permitted by federal law, financial institutions and their employees or other business entities required by federal law or regulation to file suspicious activity reports and currency transaction reports shall also be permitted to disclose suspicious activity reports or currency transaction reports to the prosecuting attorney of any county in which the transactions underlying the suspicious activity reports or currency transaction reports occurred.

(g) Any person or entity that in good faith reports a suspected case of financial exploitation pursuant to this section is immune from civil liability founded upon making that report.

(h) For the purposes of this section:

(1) ‘Incapacitated adult’ means a person as defined by §61-2-29 of this code;

(2) ‘Elderly person’ means a person who is 65 years or older;

(3) ‘Financial exploitation’ or ‘financially exploit’ means the intentional misappropriation or misuse of funds or assets of an elderly person, protected person, or incapacitated adult, but shall not apply to a transaction or disposition of funds or assets where

the accused made a good-faith effort to assist the elderly person, protected person, or incapacitated adult with the management of his or her money or other things of value; and

(4) ‘Protected person’ means any person who is defined as a ‘protected person’ in §44A-1-4 of this code and who is subject to the protections of ~~chapter 44A or 44C~~ §44A-1-1 et seq. or § 44C-1-1 et seq. of this code.

(i) Notwithstanding any provision of this code to the contrary, acting as guardian, conservator, trustee, or attorney for, or holding power of attorney for, an elderly person, protected person, or incapacitated adult shall not, standing alone, constitute a defense to a violation of subsection (a) of this section.

(j) Any person who willfully violates a material term of an order entered pursuant to ~~§55-7J-5~~ §55-7J-1 et seq. of this code is guilty of a misdemeanor and, upon conviction ~~thereof~~, shall:

(1) For the first offense, be fined not more than \$1,000 or confined in jail not more than 90 days, or both fined and confined; and

(2) For a second or subsequent offense, be fined not more than \$2,500 or confined in jail not more than one year, or both fined and confined.”

And,

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

Com. Sub. for H. B. 2671 – “A Bill to amend and reenact §55-7J-1, §55-7J-4, §55-7J-5, and §55-7J-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-2-29b of said code, all relating to financial exploitation of elderly persons, protected persons or incapacitated adults; updating terms; clarifying actions by civil complaint, petition for financial exploitation protective order, or both; providing that financial exploitation protective orders are temporary; requiring notice be given to the person alleged to be engaging in financial exploitation as soon as practicable; requiring a full adversarial hearing on the

merits before a court before final relief may be granted; including criminal penalties for violation or contempt of protective orders for victims of financial exploitation; and requiring notice of potential criminal penalties in all injunctive or protective orders.”

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. 645**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Cooper.

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. 2671) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2694, Create the 2nd Amendment Preservation Act.

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

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

**“ARTICLE 7B. THE WEST VIRGINIA SECOND
AMENDMENT PRESERVATION AND ANTI-
FEDERAL COMMANDEERING ACT.”**

§61-7B-1. Short title.

This article shall be known and may be cited as the West Virginia Second Amendment Preservation and Anti-Federal Commandeering Act.

§61-7B-2. Legislative findings and intent.

The Legislature of the State of West Virginia finds:

(1) The right to keep and bear arms is a fundamental right and freedom enshrined in the federal and state constitutions. The Second Amendment to the Constitution of the United States provides ‘A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed’. Article III, section 22 of the Constitution of the State of West Virginia provides ‘A person has the right to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use.’;

(2) Article VI, Clause two of the Constitution of the United States provides ‘This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.’;

(3) The Constitution of the State of West Virginia provides ‘[t]he state of West Virginia is, and shall remain, one of the United States of America. The Constitution of the United States of America, and the laws and treaties made in pursuance thereof, shall be the supreme law of the land.’;

(4) The Constitution of the State of West Virginia reserves to the state the exclusive regulation of its own internal government and police;

(5) The Supreme Court of the United States held ‘Congress cannot compel the States to enact or enforce a federal regulatory program. Today we hold that Congress cannot circumvent that prohibition by conscripting the States’ officers directly. The Federal Government may neither issue directives requiring the

States to address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program. It matters not whether policymaking is involved, and no case-by-case weighing of the burdens or benefits is necessary; such commands are fundamentally incompatible with our constitutional system of dual sovereignty'. Printz v. United States, 521 U.S. 898 (1997);

(6) There is a genuine concern among a significant number of West Virginians that the executive branch of the federal government is poised to improperly infringe on the right to keep and bear arms using executive orders issued by the President of the United States or under acts of the Congress of the United States that violate the liberties guarded by the Second Amendment to the Constitution of United States;

(7) The legislature finds that the increased use of executive orders to effectuate policy goals in lieu of legislation considered by both houses of congress is clearly not what the founders intended and subverts the process of governance;

(8) There is also genuine concern that the reliance on executive orders to effectuate policy goals rather than legislation could cause the commandeering of state and local law-enforcement personnel and resources to attempt to enforce policies regarding firearms which would violate both the United States and West Virginia Constitutions;

(9) On April 8, 2021, in remarks delivered at the White House Rose Garden in Washington, D.C., the President of the United States announced his support of new federal initiatives, some of which, like the proposal for model 'red flag' laws, are an anathema to law-abiding West Virginians, who cherish their natural rights and liberties which are guarded by both the Constitution of the United States and the West Virginia Constitution.

(10) It is the express intent of this article to defend the state from any attempt at federal commandeering of already stressed state and local law-enforcement resources for purposes that violate the constitutional rights of our citizens, while supporting the

cooperation between local, state, and federal law enforcement which has proven to be a benefit to all parties; and

(11) It is the further express intent of this bill to protect the rights of the citizens of West Virginia to keep and bear arms which rights are guarded and protected by the Second Amendment to the Constitution of the United States and Article III, Section 22 of the West Virginia Constitution.

(12) It is the further intent of this article to provide for and create a means of challenging, by and through the office of the Attorney General of this state, the constitutionality of enactments by the Congress of the United States which transgress the limits of federal authority established by the Second Amendment to the Constitution of the United States.

§61-7B-3. Definitions.

For purposes of this article, the following words and phrases have the following meaning:

‘Commandeering’ means taking control of or seizing the assets, personnel, or operations of an agency of this state, or of a political subdivision of this state, or the employees of an agency or political subdivision of this state without the express authority for the control having been formally given by the state or political subdivision of the state.

‘Federal commandeering’ means commandeering by the government of the United States, or any department, bureau, agency, or commission of the assets, personnel, operations, or employees of an agency of this state, or of a political subdivision.

‘Inconsistent federal firearms law, regulation, or rule’ means a federal statute, regulation, or rule relating to firearms, firearms accessories, or ammunition that is inconsistent with the laws of the State of West Virginia. Inconsistent federal firearms law also means and includes any federal firearms law which the enactment, enforcement, or execution of which violates the Second Amendment of the Constitution of the United States.

‘Inconsistent presidential firearms executive order or action’ means an executive order or action issued by the President of the United States relating to the enforcement or execution of an inconsistent federal firearms law.

‘Inconsistent with the law of West Virginia’ in the context of an inconsistent federal firearms law means a federal firearms law which criminalizes the possession of a firearm, firearm accessory, or ammunition for federal purposes when the possession of that firearm, firearm accessory or ammunition would not be, and is not, a violation of the law of the State of West Virginia.

‘New inconsistent federal firearms law’ means an inconsistent federal firearms law that was not in effect prior to January 1, 2021.

‘New inconsistent presidential firearms executive order or action’ means an inconsistent presidential firearms executive order or action which was not in effect prior to January 1, 2021.

‘Red flag law’ means a law under which a person may petition for a court to temporarily take away another person’s right to possess a firearm which it is otherwise lawful under the law of West Virginia for the respondent to possess.

§61-7B-4. Federal commandeering prohibited.

No agency of this state, political subdivision of this state, or employee of an agency, or political subdivision of this state, acting in his or her official capacity, may be commandeered by the United States government under an executive order or action of the President of the United States or under an act of the Congress of the United States. Federal commandeering of West Virginia law-enforcement for purposes of enforcement of federal firearms laws is prohibited.

§61-7B-5. Prohibitions on police activity.

(a) No police agency, department, or officer of this state may participate in the execution

of a federal search warrant when the only property sought to be taken and seized under the warrant is firearms, firearms accessories, or ammunition which is lawful for the person, whose premises are to be searched, to possess under the laws of this state.

(b) No police department, agency or officer of this state may participate in the execution of a federal arrest warrant of a citizen of this state or a person subject to the protections of the state constitution and the laws of West Virginia when the federal arrest warrant charges no crime other than the crime of the possession of firearms, firearm accessories, or ammunition which is lawful for the person who is to be arrested under the warrant to possess under the laws of this state.

(c) No police department, agency, or officer of the state may enforce an order under a red flag law against a citizen of this state or a person subject of the protections of the laws of this state when the person against whom the order is directed has the lawful right under the laws of this state to possess firearms.

(d) No police department, agency, or officer of this state engaged in a traffic stop or in response to a noise complaint may arrest or detain a person who is subject to the protection of the Constitution and laws of this state for the violation of a new inconsistent federal firearms law or inconsistent presidential executive order or action.

§61-7B-6. Prohibition on court action.

No court of this state has authority or jurisdiction to issue an order depriving a citizen of this state of his or her right to possess firearms, firearms accessories, or ammunition under any red flag law.

§61-7B-7. Permitted activities.

Notwithstanding the limitations in sections four and five of this article, this article does not prevent any West Virginia law-enforcement agency from doing any of the following that does not violate any policy of the law-enforcement agency or any local law or policy of the jurisdiction in which the agency is:

(1) Investigating, enforcing, or detaining upon reasonable suspicion of, or arresting for, a violation of law that is detected during law-enforcement activity authorized by law;

(2) Responding to a request from federal law-enforcement authorities for information about a specific person's criminal history, including previous criminal arrests, convictions, address, or similar criminal history information, or where otherwise permitted by state law; or

(3) Conducting enforcement or investigative activities or duties associated with a joint law-enforcement task force, including the sharing of confidential information with other law-enforcement agencies for purposes of task force investigations, as long as the following conditions are met:

(A) The primary purpose of the joint law-enforcement task force is something other than the enforcement of inconsistent federal firearms laws; or

(B) The enforcement or investigative duties are primarily related to a violation of state or federal law unrelated to enforcement of inconsistent federal firearms laws.

§61-7B-8. Attorney General authorized and directed to challenge unconstitutional federal actions related to firearms.

Whenever any federal statute, presidential executive order, agency order, federal law, rule, or regulation is determined by the Attorney General of this state to infringe upon the right to keep and bear arms affirmed under the Second Amendment to the Constitution of the United States, the Attorney General shall commence and prosecute legal challenges to the federal action. In exercising and discharging the duties required by this section, the Attorney General shall pursue all available appeals in the courts of the United States, and he or she may expend the public moneys necessary for these purposes. The Attorney General may solicit the participation in these efforts of attorneys general of the other states

of the United States and join actions brought by attorneys general of other states or other persons seeking to protect such rights.

§61-7B-9. Attorney General to publish model policies.

On or before January 1, 2022, and as often thereafter as he or she shall consider necessary, the Attorney General shall publish policies for police departments and agencies of this state, and for the police departments and agencies of the political subdivisions of this state, providing guidance on resistance to federal commandeering and lawful measures which can be taken by the law-enforcement agencies and departments of this state and its political subdivisions to protect the citizens of this state from the consequences of any attempts or efforts at federal commandeering.

§61-7B-10. Law-enforcement immunity.

(a) No head of a law-enforcement agency or law-enforcement officer under his or her command may be required, at the direction of an agency of the federal government, to act in a law-enforcement capacity to enforce a federal statute, executive order, agency order, rule or regulation determined by the Attorney General to infringe upon rights granted by the Second Amendment of the Constitution of the United States.

(b) No head of a law-enforcement agency or law-enforcement officer may be held liable civilly or criminally, nor shall his or her employment be terminated, nor shall he or she be decertified as a law-enforcement officer, for refusing to enforce a federal statute, executive order, agency order, rule, or regulation determined by the Attorney General of West Virginia to infringe upon the right to keep and bear arms under the Second Amendment to the Constitution of the United States while the constitutionality of the statute, executive order, agency order, rule, or regulation is being challenged judicially pursuant to §61-7B-8 of this code, nor thereafter if the challenge is successful.

(c) Any head of a law-enforcement agency or law-enforcement officer under his or her command who is charged criminally or civilly, or who has had his or her employment terminated, or who

has had his or her certification as a law enforcement officer suspended or revoked, for failing or refusing to enforce a federal statute executive order, agency order, rule, or regulation referenced in subsection (a) of this section is entitled to reimbursement of reasonable attorney's fees related to his or her defense."

And,

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

Com. Sub. for H. B. 2694 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-7B-1, §61-7B-2, §61-7B-3, §61-7B-4, §61-7B-5, §61-7B-6, §61-7B-7, §61-7B-8, and §61-7B-9 all relating to creating the ‘West Virginia Second Amendment Preservation Act and Anti-Federal Commandeering Act’; providing a short title; stating legislative findings and intent; defining terms; prohibiting Federal commandeering of any agency of the state or political subdivisions of the state, including West Virginia law-enforcement for purposes of enforcement of federal firearms laws or presidential executive orders; establishing prohibitions on police activities; identifying permitted law-enforcement activities; authorizing the Attorney General to challenge unconstitutional federal actions relating to firearms; requiring the Attorney General to publish model policies; and establishing immunity for law-enforcement.”

With the further title amendment, sponsored by Delegate Capito, amending the title of the bill to read as follows:

Com. Sub. for H. B. 2694 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-7B-1, §61-7B-2, §61-7B-3, §61-7B-4, §61-7B-5, §61-7B-6, §61-7B-7, §61-7B-8, §61-7B-9, and §61-7B-10 all relating to creating the “West Virginia Second Amendment Preservation Act and Anti-Federal Commandeering Act”; providing a short title; stating legislative findings and intent; defining terms; prohibiting Federal commandeering of any agency of the state or political subdivisions of the state, including West Virginia law-enforcement for purposes of enforcement of federal firearms laws or presidential executive orders; establishing

prohibitions on police activities; establishing prohibitions on court action; identifying permitted law-enforcement activities; authorizing the Attorney General to challenge unconstitutional federal actions relating to firearms; requiring the Attorney General to publish model policies; and establishing immunity for law-enforcement.”

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 646**), and there were—yeas 92, nays 7, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Doyle, Fleischauer, Hansen, Pushkin, Rowe, Walker and Williams.

Absent and Not Voting: Cooper.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2694) passed.

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

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

On motion of Delegate Summers, the House 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:

“ARTICLE 29. LAW ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-1. Definitions.

For the purposes of this article, unless a different meaning clearly appears in the context:

(1) ‘Approved law-enforcement training academy’ means any training facility which is approved and authorized to conduct law-enforcement training as provided in this article;

(2) ‘Chief executive’ means the Superintendent of the State Police; the chief Natural Resources police officer of the Division of Natural Resources; the sheriff of any West Virginia county; any administrative deputy appointed by the chief Natural Resources police officer of the Division of Natural Resources; or the chief of any West Virginia municipal law-enforcement agency;

(3) ‘County’ means the 55 major political subdivisions of the state;

(4) ‘Exempt rank’ means any noncommissioned or commissioned rank of sergeant or above;

(5) ‘Governor’s Committee on Crime, Delinquency, and Correction’ or ‘Governor’s committee’ means the Governor’s Committee on Crime, Delinquency, and Correction established as a state planning agency pursuant to §15-9-1 of this code;

(6) ‘Law-enforcement officer’ means any duly authorized member of a law-enforcement agency who is authorized to maintain public peace and order, prevent and detect crime, make arrests, and enforce the laws of the state or any county or municipality thereof, other than parking ordinances, and includes those persons employed as campus police officers at state institutions of higher education in accordance with the provisions of §18B-4-5 of this code, persons employed as hospital police officers in accordance with the provisions of §16-5B-19 of this code, and persons employed by the Public Service Commission as motor carrier inspectors and weight-enforcement officers charged

with enforcing commercial motor vehicle safety and weight restriction laws, although those institutions and agencies may not be considered law-enforcement agencies. The term also includes those persons employed as county litter control officers charged with enforcing litter laws: *Provided*, That those persons have been trained and certified as law-enforcement officers and that certification is currently active. The term also includes those persons employed as rangers by resort area districts in accordance with the provisions of §7-25-23 of this code, although no resort area district may be considered a law-enforcement agency: *Provided, however*, That the subject rangers shall pay the tuition and costs of training. As used in this article, the term ‘law-enforcement officer’ does not apply to the chief executive of any West Virginia law-enforcement agency or any watchman or special Natural Resources police officer;

(7) ‘Law-enforcement official’ means the duly appointed chief administrator of a designated law-enforcement agency or a duly authorized designee;

(8) ‘Municipality’ means any incorporated town or city whose boundaries lie within the geographic boundaries of the state;

(9) ‘Pre-certified law-enforcement officer’ means a person employed or offered employment by a West Virginia law-enforcement agency prior to his or her initial certification by the subcommittee. This term does not include a person employed or offered employment by a West Virginia law-enforcement agency whose certification status is inactive, suspended, or has been revoked.

(10) ‘Subcommittee’ or ‘law-enforcement professional standards subcommittee’ means the subcommittee of the Governor’s Committee on Crime, Delinquency, and Correction created by §30-29-2 of this code; and

~~(10)~~ (11) ‘West Virginia law-enforcement agency’ means any duly authorized state, county, or municipal organization employing one or more persons whose responsibility is the enforcement of laws of the state or any county or municipality thereof: *Provided*,

That neither the Public Service Commission nor any state institution of higher education nor any hospital nor any resort area district is a law-enforcement agency.

§30-29-14. Minimum standards for hiring of pre-certified law-enforcement officers; disqualification for entry into basic law-enforcement academy or from certification; direct supervision of uncertified officers; maintenance and transfer of records; applicability; limitation on disclosure of records.

(a) Notwithstanding other provisions of law to the contrary, a West Virginia law-enforcement agency may not employ or offer to employ a pre-certified law-enforcement officer until it makes written findings documenting that the person meets the minimum standards contained in this subsection, or adopts a previous employing West Virginia law-enforcement agency's written findings, which shall be made available upon request to the subcommittee: *Provided*, That the hiring West Virginia law-enforcement agency may set higher minimum standards, or the subcommittee may promulgate legislative rules which establish higher minimum standards or interpret the minimum standards contained this section, as the agency or the subcommittee considers necessary for the employment of law-enforcement officers: *Provided, however*, That nothing in this section shall be construed to limit, abrogate, or modify any existing rule promulgated by the subcommittee. The minimum standards apply only to the hiring of a pre-certified law-enforcement officer and consist of the following:

- (1) The person is 18 years of age or older;
- (2) The person is a high school graduate or equivalent;
- (3) The person has submitted to a psychological assessment and has been recommended for hire as a result;
- (4) The person has submitted to and passed a polygraph examination;

(5) The person has not been dishonorably discharged from any branch of the armed forces of the United States or the National Guard;

(6) The person has not been convicted in any civilian or military court of a crime punishable by imprisonment for a term exceeding one year, a crime involving moral turpitude, or a crime of domestic violence, or who has been administratively pardoned for any such crime;

(7) The person has not admitted to committing any criminal acts as set forth in subdivision (6) of this subsection which did not result in a conviction;

(8) The person is not prohibited by state or federal law from shipping, transporting, receiving, or possessing firearms or ammunition;

(9) The person is not addicted to narcotics or other controlled substances; and

(10) The person has consented to a thorough investigation by the hiring West Virginia law-enforcement agency into the person's background and moral character, including, but not limited to, a nationwide criminal background check consisting of inquiries of the National Instant Criminal Background Check System, the West Virginia criminal history record responses and the National Interstate Identification index, the report of which shall be made a part of the written findings required by this section.

(b) Upon review of the written findings of the hiring West Virginia law-enforcement agency and the background investigation, the subcommittee may deny the certification of a law-enforcement officer or, if applicable, deny admission to a basic entry-level training program to a person failing to meet the minimum standards set forth in this section in the discretion of the subcommittee.

(c) A pre-certified law-enforcement officer who is employed by a West Virginia law-enforcement agency must be directly supervised by a certified law-enforcement officer at all times when

the pre-certified law-enforcement officer is engaged in law-enforcement duties. For purposes of this section, ‘directly supervised’ means that the certified law-enforcement officer is physically present with, maintains a close visual and verbal contact with, and provides adequate direction to, the pre-certified law-enforcement officer while he or she is engaged in law-enforcement duties.

(d) The initial hiring West Virginia law-enforcement agency shall maintain the written findings and background investigation required herein, for the duration of the person’s term of employment, at a minimum. Each time the person transfers to a different West Virginia law-enforcement agency, copies of the written findings and background investigation shall be transmitted by the West Virginia law-enforcement agency which is the person’s most recent employer to the West Virginia law-enforcement agency which is the person’s new employer: *Provided*, That the provisions of this subsection do not apply to the West Virginia State Police.

(e) The provisions of this section apply to any person hired by a West Virginia law-enforcement agency as a pre-certified law-enforcement officer after the effective date of this section.

(f) Written findings and information obtained in the course of any investigation authorized by this section are not public records and are not subject to disclosure under §29B-1-1 *et seq.* of this code.”

And,

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

Com. Sub. for H. B. 2891 – “A Bill to amend and reenact §30-29-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-29-14, all relating to minimum standards for hiring of pre-certified law-enforcement officers; adding ‘pre-certified law-enforcement officer’ as a defined term; prohibiting West Virginia law-enforcement agencies from employing or offering to employ a pre-

certified law-enforcement officer without certain findings; requiring a hiring West Virginia law-enforcement agency to make written findings or adopt the written findings of a previous employing West Virginia law-enforcement agency documenting that the pre-certified law-enforcement officer meets certain minimum standards; requiring such written findings to be made available to the Law-Enforcement Professional Standards Subcommittee of the Governor's Committee on Crime, Delinquency, and Correction; providing ten minimum standards for hiring of a pre-certified law-enforcement officer; requiring report from background investigation to be made part of written findings; authorizing Law-Enforcement Professional Standards Subcommittee to deny certification or deny admission to a basic entry-level training program to a person failing to meet minimum standards; requiring direct supervision of a pre-certified law-enforcement officer by a certified law-enforcement officer while engaged in law-enforcement duties; providing meaning of 'directly supervised'; providing for recordkeeping; providing for transfer of records between employing West Virginia law-enforcement agencies; providing exception for West Virginia State Police; specifying application of requirements pertaining to minimum standards for hiring of pre-certified law-enforcement officers; and providing exception to disclosure under West Virginia Freedom of Information Act for certain records."

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. 647**), and there were—yeas 95, nays 4, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Foster, Hanna, Kimble and McGeehan.

Absent and Not Voting: Cooper.

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. 2891) passed.

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

A message from the Senate, by

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

Com. Sub. for H. B. 2982, Relating to the Second Chances at Life Act of 2021.

On motion of Delegate Kessinger, the House 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:

“ARTICLE 2I. WOMEN’S RIGHT TO KNOW ACT.

§16-2I-1. Definitions.

For the purposes of this article, the words or phrases defined in this section have these meanings ascribed to them.

~~(a) ‘Abortion’ means the use or prescription of any instrument, medicine, drug or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth or to remove a dead embryo or fetus.~~ means the same as that term is defined in §16-2F-2 of this code.

~~(b) ‘Attempt to perform an abortion’ means an act, or an omission of a statutorily required act, that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance of an abortion in West Virginia in violation of this article.~~ means the same as that term is defined in §16-2M-2 of this code.

‘Chemical abortion’ means the use or prescription of an abortion-inducing drug dispensed with the intent to cause an abortion.

'Licensed medical professional' means the same as that term is defined in §16-2P-1 of this code.

~~(e) 'Medical emergency' means any condition which, on the basis of a physician's good faith clinical judgment in the reasonable medical judgment of the patient's physician, so complicates the medical condition of a pregnant female as to necessitate the immediate termination of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No condition shall be deemed a medical emergency if based on a claim or diagnosis that the female will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.~~

~~(d) 'Physician' means any medical or osteopathic doctor licensed to practice medicine in this state. means the same as that term is defined in §16-2M-2 of this code.~~

(e) 'Probable gestational age of the embryo or fetus' means what, in the judgment of the physician, will with reasonable probability be the gestational age of the embryo or fetus at the time the abortion is planned to be performed.

'Reasonable medical judgement' means the same as that term is defined in §16-2M-2 of this code.

(f) 'Stable Internet website' means a website that, to the extent reasonably practicable, is safeguarded from having its content altered ~~other~~ by another other than by the Department of Health and Human Resources.

§16-2I-2. Informed consent.

~~No~~ An abortion may not be performed in this state except with the voluntary and informed consent of the female upon whom the abortion is to be performed. Except in the case of a medical emergency, consent to an abortion is voluntary and informed if, and only if:

(a) The female is told the following, by telephone or in person, by the physician or the licensed ~~health care~~ medical professional to whom the responsibility has been delegated by the physician who is to perform the abortion at least 24 hours before the abortion:

(1) The particular medical risks associated with the particular abortion procedure to be employed, including, when medically accurate, the risks of infection, hemorrhage, danger to subsequent pregnancies, and infertility;

(2) The probable gestational age of the embryo or fetus at the time the abortion is to be performed; ~~and~~

(3) The medical risks associated with carrying her child to term; and

(4) If a chemical abortion involving the two-drug process of mifepristone is initiated and then a prostaglandin such as misoprostol is planned to be used at a later time, the female shall be informed that:

(A) Some suggest that it may be possible to counteract the intended effects of a mifepristone chemical abortion by taking progesterone if the female changes her mind, before taking the second drug, but this process has not been approved by the Food and Drug Administration.

(B) After the first drug involved in the two-drug process is dispensed in a mifepristone chemical abortion, the physician or agent of the physician shall provide written medical discharge instructions to the pregnant female which shall include the statement:

'If you change your mind and decide to try to counteract the intended effects of a mifepristone chemical abortion, if the second pill has not been taken, please consult with your physician.

(i) You might experience a complete abortion without ever taking misoprostol;

(ii) You might experience a missed abortion, which means the fetus is no longer viable, but the fetus did not leave your body; or

(iii) It is possible that your pregnancy may continue; and

(iv) You should consult with your physician.’

(C) The female shall certify, as part of the informed consent process for any medical procedure, that she has been informed about the above possibilities regarding a chemical abortion.

(D) Notwithstanding any law to the contrary, a physician acting in conformity with the informed consent provisions of this section relating to the possibility of counteracting the intended effects of a chemical abortion, or a physician prescribing a non-Food and Drug Administration approved drug therapy to counteract a chemical abortion is not liable for any loss, damage, physical injury, or death arising from any information provided by the physician related to counteracting the intended effects of a chemical abortion or arising from prescribing a non-Food and Drug Administration approved drug therapy to counteract a chemical abortion.

The information required by this subsection may be provided by telephone without conducting a physical examination or tests of the patient, in which case the information required to be provided may be based on facts supplied by the female to the physician or other licensed health care professional to whom the responsibility has been delegated by the physician and whatever other relevant information is reasonably available to the physician or other licensed health care professional to whom the responsibility has been delegated by the physician. It may not be provided by a tape recording, but must be provided during a consultation in which the physician or licensed health care professional to whom the responsibility has been delegated by the physician is able to ask questions of the female and the female is able to ask questions of the physician or the licensed health care professional to whom the responsibility has been delegated by the physician.

If a physical examination, tests or the availability of other information to the physician or other licensed health care

professional to whom the responsibility has been delegated by the physician subsequently indicate, in the medical judgment of the physician or the licensed health care professional to whom the responsibility has been delegated by the physician, a revision of the information previously supplied to the patient, that revised information may be communicated to the patient at any time before the performance of the abortion procedure.

Nothing in this section may be construed to preclude provision of required information in a language understood by the patient through a translator.

(b) The female is informed, by telephone or in person, by the physician who is to perform the abortion, or by an agent of the physician, at least 24 hours before the abortion procedure:

(1) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care through governmental or private entities;

(2) That the father, if his identity can be determined, is liable to assist in the support of her child based upon his ability to pay even in instances in which the father has offered to pay for the abortion;

(3) That she has the right to review the printed materials described in §16-2I-3 of this code, that these materials are available on a state-sponsored website and the website address; and

(4) That the female will be presented with a form which she will be required to execute prior to the abortion procedure that is available pursuant to §16-2I-3 of this code, and that the form to be presented will inform her of the opportunity to view the ultrasound image and her right to view or decline to view the ultrasound image, if an ultrasound is performed.

The physician or an agent of the physician shall orally inform the female that the materials have been provided by the State of West Virginia and that they describe the embryo or fetus and list agencies and entities which offer alternatives to abortion.

If the female chooses to view the materials other than on the website, then they shall either be provided to her at least 24 hours before the abortion or mailed to her at least 72 hours before the abortion by first class mail in an unmarked envelope.

The information required by this subsection may be provided by a tape recording if provision is made to record or otherwise register specifically whether the female does or does not choose to have the printed materials given or mailed to her.

(c) The form required pursuant to subdivision (b)(4) of this section shall include the following information:

(1) It is a female's decision whether or not to undergo any ultrasound imaging procedure in consultation with her health care provider;

(2) If an ultrasound is performed in conjunction with the performance of an abortion procedure, the female has the right to view or to decline to view the image; and

(3) That the ~~woman~~ female has been previously informed of her opportunity to view the ultrasound image and her right to view or decline to view the ultrasound image. The ~~woman~~ female shall certify her choice on this form prior to the abortion procedure being performed.

The female shall certify in writing, before the abortion, that the information described in subsections (a) and (b) of this section has been provided to her and that she has been informed of her opportunity to review the information referred to in subdivision (b)(3) of this section.

Before performing the abortion procedure, the physician who is to perform the abortion or the physician's agent shall obtain a copy of the executed certification required by the provisions of subsections (b) and (c) of this section.

§16-2I-3. Printed information.

(a) Within 90 days of the effective date of this article, the Secretary of the Department of Health and Human Resources shall

cause to be published, in English and in each language which is the primary language of ~~2%~~ two percent or more of the state's population, as determined by the most recent decennial census performed by the U.S. census bureau, and shall cause to be available on the website provided ~~for in section four of this article §16-2I-4 of this code~~ the following printed materials in such a way as to ensure that the information is easily comprehensible:

(1) Geographically indexed materials designed to inform the reader of public and private agencies and services available to assist a female through pregnancy, upon childbirth and while the child is dependent, including adoption agencies, which shall include a comprehensive list of the agencies available, a description of the services they offer and a description of the manner, including telephone numbers. At the option of the Secretary of Health and Human Resources, a 24-hour-a-day telephone number may be established with the number being published in such a way as to maximize public awareness of its existence which may be called to obtain a list and description of agencies in the locality of the caller and of the services they offer; ~~and~~

(2) Materials designed to inform the female of the probable anatomical and physiological characteristics of the embryo or fetus at two-week gestational increments from the time when a female can be known to be pregnant to full term, including any relevant information on the possibility of the embryo or fetus's survival and pictures or drawings representing the development of an embryo or fetus at two-week gestational increments: *Provided*, That any such pictures or drawings must contain the dimensions of the embryo or fetus and must be realistic and appropriate for the stage of pregnancy depicted. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the embryo or fetus at the various gestational ages. The material shall also contain objective information describing the methods of abortion procedures commonly employed, the medical risks commonly associated with each procedure, the possible detrimental psychological effects of abortion, and the medical risks commonly associated with carrying a child to term; and

(3) Materials designed to inform the female of the range of possibilities regarding the effects and risks of a mifepristone chemical abortion or an attempt to counteract it and information on and assistance with the resources that may be available.

(b) The materials referred to in subsection (a) of this section shall be printed in a typeface large enough to be clearly legible. The website provided for in section four of this article shall be maintained at a minimum resolution of seventy dots per inch. All pictures appearing on the website shall be a minimum of 200 x 300 pixels. All letters on the website shall be a minimum of 11-point font. All information and pictures shall be accessible with an industry standard browser requiring no additional plug-ins.

(c) The materials required under this section shall be available at no cost from the Department of Health and Human Resources upon request and in appropriate numbers to any person, facility, or hospital.”

And,

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

Com Sub. for H. B. 2982 – “A Bill to amend and reenact §16-2I-1, §16-2I-2, and §16-2I-3 of the Code of West Virginia, 1931, as amended, all relating to the informed consent; requiring that information about the process of chemical abortion be provided to a woman when a chemical abortion process is initiated and second drug is contemplated to be used at a later time; defining terms; specifying that the female be informed of the range of possibilities regarding the effects of a mifepristone chemical abortion; specifying that the female shall certify, as part of informed consent, that she has been informed about the possibilities regarding a chemical abortion; providing for liability protection for a physician acting in conformity with the informed consent provisions of this section; providing liability protection to a physician prescribing a non-Food and Drug Administration approved drug therapy to counteract a chemical abortion; and dictating minimum standards for printed materials.”

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. 648**), and there were—yeas 84, nays 15, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Barach, Diserio, Doyle, Fleischauer, Fluharty, Garcia, Hansen, Hornbuckle, Pethel, Pushkin, Rowe, Thompson, Walker, Williams and Young.

Absent and Not Voting: Cooper.

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. 2982) passed.

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

A message from the Senate, by

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

H. B. 2997, Adding a defense to the civil penalty imposed for a result of delivery of fuel to a state other than the destination state printed on the shipping document for fuel.

On motion of Delegate Kessinger, the House 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:

“§11-14C-34. Shipping documents; transportation of motor fuel by ~~barge, watercraft, railroad tank car or transport truck~~; civil penalty.

(a) A person shall not transport ~~in this state any motor fuel by barge, watercraft, railroad tank car or transport vehicle~~ motor fuel loaded at a terminal rack unless the person has a ~~machine-generated~~

shipping document, ~~including applicable multiple copies thereof, for the motor fuel that complies with this section. *Provided, That in the event a terminal operator or operator of a bulk plant does not have installed on January 1, 2004, an automated machine that will print machine-generated shipping documents, the commissioner may authorize the terminal operator or operator of a bulk plant to issue manually prepared shipping documents: *Provided, however, That in the event of an extraordinary unforeseen circumstance, including an act of God, that temporarily interferes with the ability to issue an automated machine-generated shipping document, a manually prepared shipping document that contains all of the information required by subsection (b) of this section shall be substituted for the machine-generated shipping document.**~~ A terminal operator ~~or operator of a bulk plant shall give a shipping document to the person who operates the barge, watercraft, railroad tank ear or transport vehicle into~~ means of conveyance into which motor fuel is loaded at the terminal rack ~~or bulk plant rack.~~

(b) The shipping document issued by the terminal operator ~~or operator of a bulk plant shall be machine-printed and shall~~ contain the following information and any other information required by the commissioner:

- (1) Identification, including address, of the terminal or bulk plant from which the motor fuel was received;
- (2) Date the motor fuel was loaded;
- (3) Invoiced gallons loaded;
- (4) Destination state of the motor fuel as represented by the purchaser of the motor fuel or the purchaser's agent;
- (5) In the case of aviation jet fuel, the shipping document shall be marked with the phrase 'Aviation Jet Fuel, Not for On-road Use' or a similar phrase;
- (6) In the case of dyed diesel fuel, the shipping document shall be marked with the phrase 'Dyed Diesel Fuel, Nontaxable Use Only, Penalty for Taxable Use' or a similar phrase; and

(7) If the document is issued by a terminal operator, the invoiced gallons loaded and a statement indicating the name of the supplier that is responsible for the tax due on the motor fuel.

(c) A terminal operator or bulk plant operator may rely on the representation made by the purchaser of motor fuel or the purchaser's agent concerning the destination state of the motor fuel. In the event that either the terminal operator, ~~bulk plant operator~~, purchaser or transporter determines prior to the shipment of motor fuel leaving the terminal ~~or bulk plant~~ that the destination state indicated on the shipping document is incorrect, the diversion procedure provided in subdivision (3), subsection (d) of this section shall be used to obtain authorization to deliver the motor fuel to a different state. A purchaser is liable for any tax due as a result of the purchaser's diversion of motor fuel from the represented destination state.

(d) A person to whom a shipping document was issued shall:

(1) Carry the shipping document in the means of conveyance for which it was issued when transporting the motor fuel described;

(2) Show the shipping document upon request to any law-enforcement officer, representative of the commissioner and any other authorized individual when transporting the motor fuel described;

(3) Deliver motor fuel to the destination state printed on the shipping document unless the person:

(A) ~~Notifies the commissioner before transporting the motor fuel into a state other than the printed destination state~~ commissioner's designated entity by the next business day that the person has received instructions after the shipping document was issued to deliver the motor fuel to a different destination state;

(B) ~~Receives from the commissioner~~ commissioner's designated entity, a confirmation number authorizing the diversion; ~~and~~

(C) ~~Writes on~~ Records with the shipping document the change in destination state and the confirmation number for the diversion; and

(4) ~~Gives a copy of the shipping document~~ Provides the confirmation number for the diversion to the person to whom the motor fuel is delivered.

(e) The person to whom motor fuel is delivered by ~~barge, watercraft, railroad tank car or transport vehicle~~ any means of conveyance shall not accept delivery of the motor fuel if the destination state shown on the shipping document for the motor fuel is a state other than West Virginia: *Provided*, That delivery may be accepted if the destination state is other than West Virginia if the document contains a diversion number authorized by the ~~commissioner~~ commissioner's designated entity. The person to whom the motor fuel is delivered shall examine the shipping document to determine that West Virginia is the destination state and shall retain a copy of the shipping document: (1) At the place of business where the motor fuel was delivered for ninety days following the date of delivery; and (2) at the place or another place for at least three years following the date of delivery. The person who accepts delivery of motor fuel in violation of this subsection and any person liable for the tax on the motor fuel pursuant to section five of this article is jointly and severally liable for any tax due on the motor fuel.

(f) Any person who transports motor fuel ~~in a barge, watercraft, railroad tank car or transport vehicle~~ by any means of conveyance without a shipping document or with a false or an incomplete shipping document or delivers motor fuel to a destination state other than the destination state shown on the shipping document, is subject to the following civil penalty.

(1) If the motor fuel is transported in a barge, watercraft, or transport vehicle, the civil penalty shall be payable by the person in whose name the means of conveyance is registered.

(2) If the motor fuel is transported in a railroad tank car, the civil penalty shall be payable by the person responsible for shipping the motor fuel in the railroad tank car.

(3) The amount of the civil penalty for a first violation is \$5,000.

(4) The amount of the civil penalty for each subsequent violation, after notice to correct the shipping document, is \$10,000.

(5) Civil penalties prescribed under this section are assessed, collected, and paid in the same manner as the motor fuel excise tax imposed by this article.

(g) Penalty Defense. - Compliance with the conditions set out in this subsection is a defense to a civil penalty imposed under subsection (f) of this section, resulting from the delivery of motor fuel to a state other than the destination state printed on the shipping document for the motor fuel. The commissioner shall waive a penalty imposed against the person who transported the motor fuel under that subsection, if that person establishes a defense under this subsection. The conditions for the defense are:

(1) The person who transported the motor fuel notified the commissioner's designated entity of the diversion and received a confirmation number for the diversion before the imposition of the penalty; and

(2) Unless the person is a motor fuel transporter, the tax was timely paid on the diverted motor fuel."

And,

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

H. B. 2997 – “A Bill to amend and reenact §11-14C-34 of the Code of West Virginia, as amended, relating to transportation of motor fuel; removing requirement that bulk plants issue shipping documents; requiring shipping documents for motor fuel loaded at a terminal rack; requiring notices to and from the commissioner's designated agency related to the diversion of motor fuel; and adding a defense to the civil penalty imposed for delivery of motor fuel to a state other than the destination state that is printed on the shipping document for the motor fuel.”

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. 649**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Fluharty and Thompson.

Absent and Not Voting: Cooper and Householder.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2997) passed.

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

On this question, the yeas and nays were taken (**Roll No. 650**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Fluharty and Thompson.

Absent and Not Voting: Cooper, Householder and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2997) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

Com. Sub. for S. B. 485, Relating to use or presentation of firearm during commission of felony.

In the absence of objection, the bill was moved to the foot of Messages from the Senate.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendments to

Com. Sub. for S. B. 636, Requiring certain history and civics courses be taught in schools.

Delegate Summers moved that the House of Delegates recede.

On this motion, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 651**), and there were—yeas 58, nays 37, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Anderson, Barach, Bates, Boggs, Brown, Dean, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hamrick, Hansen, Hornbuckle, J. Kelly, Linville, Lovejoy, Martin, Miller, L. Pack, Paynter, Pethtel, Pritt, Pushkin, Reed, Rohrbach, Rowe, Skaff, Thompson, Walker, G. Ward, Williams, Young, Zatezalo and Zukoff.

Absent and Not Voting: Barrett, Capito, Conley, Cooper and Riley.

So, a majority of the members present having voted in the affirmative, the motion to recede prevailed the House receded from its position.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 652**), and there were—yeas 64, nays 33, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Barach, Bates, Boggs, Booth, Brown, Burkhammer, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith,

Hamrick, Hanna, Hansen, Higginbotham, Hornbuckle, Lovejoy, Miller, L. Pack, Pethtel, Pushkin, Rowe, Skaff, Statler, Thompson, Walker, Wamsley, Williams, Young, Zatezalo and Zukoff.

Absent and Not Voting: Capito, Cooper and Foster.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 636) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

S. J. R. 4, Incorporation of Churches or Religious Denominations Amendment.

On motion of Delegate Kessinger, the House receded from its amendment of the resolution.

On the adoption of the resolution, the yeas and nays were taken (**Roll No. 653**), and there were—yeas 95, nays 4, absent and not voting 1, with the yeas, nays, and absent and not voting being as follows:

Yeas: Anderson, Barach, Barnhart, Barrett, Bates, Boggs, Booth, Bridges, Brown, Bruce, Burkhammer, Capito, Clark, Conley, Criss, Dean, Diserio, Ellington, Espinosa, Evans, Fast, Ferrell, Fluharty, Forsht, Foster, Garcia, Gearheart, Graves, Hamrick, Hanna, Hansen, Hardy, Haynes, Higginbotham, Holstein, Hornbuckle, Horst, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Keaton, D. Kelly, J. Kelly, Kessinger, Kimble, Kimes, Linville, Longanacre, Lovejoy, Mallow, Mandt, Martin, Maynard, Mazzocchi, McGeehan, Miller, Nestor, J. Pack, L. Pack, Paynter, Pethtel, Phillips, Pinson, Pritt, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Rowe, Skaff, Smith, Statler, Steele, Storch, Summers, Sypolt, Thompson, Toney, Tully,

Walker, Wamsley, B. Ward, G. Ward, Westfall, Williams, Worrell, Young, Zatezalo, Zukoff and Hanshaw (Mr. Speaker).

Nays: Doyle, Fleischauer, Griffith and Pushkin.

Absent and Not Voting: Cooper.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the resolution (S. J. R. 4) adopted, as follows:

S. J. R. 4 – “Proposing an amendment to the Constitution of the State of West Virginia, amending section 47, article VI thereof, relating to authorizing the incorporation of religious denominations; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.”

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2022, which proposed amendment is that section 47, article VI thereof, be amended to read as follows:

Article VI. The Legislature.

§47. Incorporation of religious denominations permitted.

Provisions may be made by general laws for securing the title to church property, and for the sale and transfer thereof, so that it shall be held, used, or transferred for the purposes of such church or religious denomination. Provisions may also be made by general laws for the incorporation of churches or religious denominations.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered “Amendment No.

1” and designated as the “Incorporation of Churches or Religious Denominations Amendment” and the purpose of the proposed amendment is summarized as follows: “To authorize the incorporation of churches or religious denominations.”

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

A message from the Senate, by

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

Com. Sub. for H. B. 2195, Relating to motor vehicle crash reports.

On motion of Delegate Kessinger, the House 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:

“ARTICLE 4. ACCIDENTS.

§17C-4-7. Reports of crashes.

(a) Every law-enforcement officer who, in the regular course of duty, investigates a motor vehicle crash occurring on the public streets or highways of this state resulting in bodily injury to, or death of, any person or total property damage to an apparent extent of \$1,000 or more shall, either at the time of and at the scene of the crash or thereafter by interviewing participants or witnesses, within 24 hours after completing such investigation, prepare a report of such crash either electronically or in writing.

(b) Within 24 hours of a motor vehicle crash, the investigating law-enforcement officer shall provide the owner, operator, and insurance information upon request for all the involved parties to each of the other involved parties, and to each party’s respective insurance agents. This information shall be made available, at no cost, whether or not the accident report has been completed.

~~(b)~~ (c) The investigating law-enforcement officer shall submit the report electronically or in writing within 24 hours after completing the investigation to the Division of Highways in the form and manner approved by the Commissioner of the Division of Highways, the Superintendent of the West Virginia State Police, and the Commissioner of the Division of Motor Vehicles. The Division of Highways shall supply electronic or paper copies of ~~such~~ the form to police departments, sheriffs, and other appropriate law-enforcement agencies.

~~(e)~~ (d) In the event that the investigating law-enforcement officer cannot complete the investigation within 10 days of the crash, he or she shall submit a preliminary report of the crash to the Division of Highways on the 10th day after the crash and submit the final report within 24 hours of completion of the investigation pursuant to subsection ~~(b)~~(c) of this section.”

And,

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

Com. Sub. for H. B. 2195 – “A Bill to amend and reenact §17C-4-7 of the Code of West Virginia, 1931, as amended, relating to motor vehicle crash reports; requiring the investigating law-enforcement officer, within 24 hours of a motor vehicle crash, to provide the owner, operator, and insurance information for all the involved parties with each of the other involved parties and to each party’s respective insurance agents; and, information shall be provided without cost.”

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. 654**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Cooper.

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. 2195) passed.

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

A message from the Senate, by

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

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

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

Com. Sub. for H. B. 2688 – “A Bill to amend and reenact §3-8-2c of the Code of West Virginia, 1931, as amended, relating to party headquarters committees; defining terms; authorizing a county executive committee of a political party to establish a party headquarters committee for a certain exclusive purpose relating to county executive committee headquarters; and imposing \$1 million cap on receipt of contributions or making expenditures for a certain purpose relating to county executive committee headquarters.”

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 655**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: J. Pack.

Absent and Not Voting: Cooper.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2688) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

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

On motion of Delegate Kessinger, the House 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:

“ARTICLE 4. DISABILITY AND DEATH BENEFITS.

§23-4-1f. Certain psychiatric injuries and diseases not compensable; definitions; legislative findings; terms; report required.

~~For~~ (a) Except as provided by this section, for the purposes of this chapter, no alleged injury or disease ~~shall~~ may be recognized as a compensable injury or disease which was solely caused by nonphysical means and which did not result in any physical injury or disease to the person claiming benefits. ~~It-Except as otherwise provided in this section, it~~ is the purpose of this section to clarify that so-called mental-mental claims are not compensable under this chapter.

(b) For the purposes of this section:

(1) ‘First responder’ means a law enforcement officer, firefighter, emergency medical technician, paramedic, and emergency dispatcher;

(2) ‘Post-traumatic stress disorder’ means a disorder that meets the diagnostic criteria for post-traumatic stress disorder specified

by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, fifth edition, or a later edition as adopted by rule of the insurance commissioner; and

(3) ‘Licensed mental health provider’ means a psychiatrist, psychologist, licensed professional counselor, licensed marriage and family therapist, or licensed social worker who is qualified to treat post-traumatic stress disorder.

(4) ‘Employer’ means any entity that controls, consistent with the provisions of West Virginia law relating to an employment relationship, the paid or volunteer employment of a first responder eligible for benefits under this section.

(c) The Legislature finds that post-traumatic stress disorder is a unique medical condition. Although it may manifest itself as a psychiatric condition that would be otherwise precluded from workers’ compensation coverage, post-traumatic stress disorder is an occupational hazard for first responders, similar to members of the military serving in combat. The Legislature further finds that because first responders are required to expose themselves to traumatic events during the course of their employment and thus are at a recognized higher risk of developing post-traumatic stress disorder, and because of the severe nature and debilitating effects of post-traumatic stress disorder, it is the moral obligation of the state to permit coverage to this class of individuals for their work-related disease.

(d)(1) Post-traumatic stress disorder suffered by a first responder may be recognized as a compensable occupational disease under §23-4-1(f) of this code when:

(A) The Employer has elected to provide coverage for post-traumatic stress disorder as an occupational disease; and

(B) A diagnosis has been made by a licensed psychiatrist that the first responder suffered from post-traumatic stress disorder due to exposure to an event or events that occurred in the course of and resulting from the first responder’s paid or volunteer covered employment: *Provided*, That the provisions of this section shall

apply only to a post-traumatic stress disorder diagnosis made on or after July 1, 2021, or the first day of the employer's next workers' compensation insurance policy or self-insurance program term for which post-traumatic stress disorder coverage has been purchased or elected, whichever is later.

(2) While the diagnosis must be made by a licensed psychiatrist, mental health treatment consistent for a post-traumatic stress disorder diagnosis may be offered by a licensed mental health provider other than the diagnosing psychiatrist.

(3) A diagnosis of post-traumatic stress disorder under this section shall not include consideration of any layoff, termination, disciplinary action, or any similar personnel-related action taken in good faith by an employer.

(4) Benefits for a post-traumatic stress disorder diagnosis made under this section are contingent upon the employer electing to provide coverage for post-traumatic stress disorder from its workers' compensation insurance carrier or to provide for it through its self-insurance program, whichever is applicable.

(5) The receipt of benefits is contingent on a claim being made within three years from and after a licensed psychiatrist has made the claimant aware of a post-traumatic stress disorder diagnosis in accordance with this section.

(e) Any employer that elects to offer coverage to first responders for post-traumatic stress disorder under this section shall report post-traumatic stress disorder claims data to the Offices of the Insurance Commissioner directly or via the employer's private workers' compensation insurance carrier, whichever is applicable, beginning July 1, 2021, or from the first day of the employer's next workers' compensation insurance policy or self-insurance program term, which provides such elective coverage, whichever is later.

(f) The Offices of the Insurance Commissioner shall report annually on claims data related to post-traumatic stress disorder claims for first responders to the Joint Committee on Volunteer

Fire Department and Emergency Medical Services beginning January 1, 2022.

(g) The amendments made to this section during the 2021 regular session of the Legislature to recognize post-traumatic stress disorder as a compensable injury subject to the provisions of this section shall expire on July 1, 2026, unless extended by the Legislature.”

And,

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

H. B. 3107 – “A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to workers’ compensation benefits; defining terms; recognizing post-traumatic disorder as an occupational disease when specified circumstances are satisfied; noting that treatment can be conducted by other licensed mental health professionals once the initial diagnosis has been made by a psychiatrist; providing a diagnosis of post-traumatic stress disorder shall not include consideration of any layoff, termination, disciplinary action, or any similar personnel-related action taken in good faith; providing receipt of benefits is contingent on a claim being made within three years from and after a licensed psychiatrist has made the claimant aware of a post-traumatic stress disorder diagnosis; requiring reporting; and providing for a sunset date for the amendments made to this section.”

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. 656**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Cooper and Householder.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3107) passed.

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

On this question, the yeas and nays were taken (**Roll No. 657**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Householder and McGeehan.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3107) takes effect from its passage.

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

A message from the Senate, by

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

H. B. 2776, Creating the Air Ambulance Patient Protection Act.

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

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

“ARTICLE 11B. WEST VIRGINIA AIR AMBULANCE PATIENT PROTECTION ACT.

§33-11B-1. Air ambulance membership products as insurance.

(a) An air ambulance service provider or any affiliated entity who solicits air ambulance membership subscriptions, accepts membership applications, or charges membership fees, is deemed to be engaged in the business of insurance to the extent that it

contracts, promises, guarantees, or in any other way portends to pay, reimburse, or indemnify the copayments, deductibles, or other cost-sharing amounts of a patient relating to the air ambulance transport as determined or set by the patient's health insurance provider, health care provider, or other third parties, or any post-service payment of costs to third parties relating to the transport.

(b) An air ambulance membership agreement or subscription for air ambulance services under subsection (a) of this section is insurance and may be considered secondary insurance coverage or a supplement to any insurance coverage, and shall be subject to regulation by the commissioner pursuant to the provisions of this chapter.

(c) To the extent that activity falls within the business of insurance as described in subsection (a) of this section, no person or entity, whether directly or indirectly through an affiliated entity, agreement with a third party, or otherwise, may solicit or sell air ambulance membership agreements or subscriptions, accept membership applications, or charge membership fees except as authorized by a valid license issued by the commissioner pursuant to the provisions of this chapter.

(d) The commissioner may promulgate rules in accordance with §29A-3-1 et seq. of this code to effectuate the provisions of this section.

(e) If any provision of this section is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions of this section, and to this end the provisions of this section are declared to be severable.”

And,

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

H. B. 2776 – “A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-11B-1, relating to the creation of the West Virginia Air Ambulance Patient Protection Act; declaring that an air ambulance service provider or affiliated entity who solicits air

ambulance membership subscriptions, accepts membership applications, or charges membership fees, is engaged in the business of insurance to the extent that it promises to pay, reimburse, or indemnify the copayments, deductibles, cost-sharing amounts, or post-service payments of a patient related to air ambulance transport as set by the patient's health insurance provider, health care provider, or other third parties; providing that air ambulance membership agreements or subscriptions declared to be the business of insurance shall be regulated by the commissioner; requiring a valid license issued by the commissioner to solicit or sell \air ambulance membership agreements or subscriptions; providing for rulemaking by the commissioner; and providing for severability.”

Delegates Fast and Tully requested to be excused from voting under the provisions of House Rule 49.

The Speaker replied that the Delegates were members of a class of persons possibly to be affected and directed the Members to vote.

Delegate Pritt moved the previous question.

On this motion, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 658**), and there were—yeas 65, nays 33, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Anderson, Barach, Bates, Boggs, Brown, Bruce, Capito, Diserio, Doyle, Evans, Fast, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Jennings, J. Kelly, Lovejoy, J. Pack, Pethtel, Pushkin, Rowe, Skaff, Thompson, Tully, Walker, Williams, Worrell, Young, Zukoff and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cooper and Steele.

So, a majority of the members present having voted in the affirmative, the motion prevailed.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 659**), and there were—yeas 69, nays 29, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Brown, Bruce, Conley, Dean, Doyle, Evans, Fast, Ferrell, Haynes, Holstein, J. Jeffries, Jennings, Kessinger, Kimble, Kimes, Linville, Mazzocchi, McGeehan, Nestor, Paynter, Phillips, Pritt, Reynolds, Sypolt, Thompson, Toney, Tully, B. Ward and G. Ward.

Absent and Not Voting: Cooper and Steele.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2776) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect July 1, 2022, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2933, Anti-Discrimination Against Israel Act.

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

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

“CHAPTER 5A. DEPARTMENT OF ADMINISTRATION

ARTICLE 3. PURCHASING DIVISION.

§5A-3-63. Prohibition on contracting with companies that boycott Israel.

(a) The Legislature finds that:

(1) The State of Israel is one of the United States' closest allies and international trading partners; and

(2) In recent years, the State of Israel and Israeli-owned businesses have been the target of boycotts that attempt to isolate Israel within the international community have served as a vehicle for spreading anti-Semitism and advocating for the elimination of the Jewish State of Israel.

(3) The State of West Virginia has an economic and a humanitarian obligation to denounce and reject the Boycott, Divestment, and Sanctions Movement against Israel, and to prevent the state or any of its instrumentalities from contracting with companies that engage in the movement;

(b) Definitions. – For the purposes of this section:

(1) 'Boycott of Israel' means engaging in actions that are intended to penalize, inflict economic harm on, or otherwise limit commercial relations with the State of Israel or companies based in the State of Israel or in territories controlled by the State of Israel.

(2) 'Company' means a corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, organization, association, or any other business entity that has 10 or more employees and operates to earn a profit: *Provided*, That the term does not include a sole proprietorship.

(3) 'Public entity' means the state of West Virginia, or any political subdivision thereof, and all spending units of state government including those otherwise excluded from applicability under §5A-3-1 of this code.

(c) Effective July 1, 2022, a public entity may not enter into a contract with a company for goods or services valued at \$100,000 or more unless the contract includes a written certification that the company is not currently engaged in, and will not for the duration of the contract, engage in a boycott of Israel.

(d) Any contract that violates the requirements of this section shall be void as against public policy.

(e) The Director of the Purchasing Division is authorized to promulgate legislative rules, including emergency rules, to implement the provisions of this section.”

And,

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

Com. Sub. for H. B. 2933 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-62, relating to prohibiting the state from contracting with companies that boycott Israel; establishing findings of the Legislature; defining terms; forbidding the state of West Virginia, any political subdivision thereof and spending units of state government from entering into contracts with companies that boycott Israel; setting an effective date; providing that contracts that violate new requirements will be void; and providing for rulemaking.”

Delegate Mandt moved the previous question.

On this motion, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 660**), and there were—yeas 51, nays 47, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Anderson, Barach, Bates, Boggs, Bridges, Brown, Bruce, Capito, Dean, Diserio, Doyle, Evans, Fast, Ferrell, Fleischauer, Fluharty, Foster, Garcia, Graves, Hansen, Hornbuckle, J. Jeffries, D. Kelly, J. Kelly, Linville, Lovejoy, Maynard, Mazzocchi, McGeehan, J. Pack, Pethtel, Pushkin, Reynolds, Rowe, Skaff, Statler, Sypolt, Thompson, Toney, Tully, Walker, Williams, Worrell, Young, Zatezalo, Zukoff and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cooper and Pritt.

So, a majority of the members present having voted in the affirmative, the motion prevailed.

The House then concurred in the Senate amendments.

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. 661**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Fleischauer.

Absent and Not Voting: Cooper and Pritt.

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. 2933) passed.

Delegate Kessinger moved that the bill take effect July 1, 2022.

On this question, the yeas and nays were taken (**Roll No. 662**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Doyle and Fleischauer.

Absent and Not Voting: Cooper.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2933) takes effect July 1, 2022.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendments of the House of Delegates and requested the House to recede from its amendments to

Com. Sub. for S. B. 660, Providing for cooperation between law-enforcement agencies and military authorities.

Delegate Kessinger moved the House recede from its amendments.

On this motion, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 663**), and there were—yeas 93, nays 7, absent and not voting none, with the nays being as follows:

Nays: Bridges, Bruce, Doyle, Longanacre, McGeehan, Pritt and Toney.

So, a majority of the members present having voted in the affirmative, the motion prevailed.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 664**), and there were—yeas 97, nays 3, absent and not voting none, with the nays being as follows:

Nays: McGeehan, Pritt and Toney.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 660) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to concur in the amendment of the House of Delegates and requested the House to recede from its amendment to

Com. Sub. for H. B. 2363, Relating to “Best Interests of the Child Protection Act of 2021”.

Delegate Summers moved that the House refuse to recede.

Delegate J. Pack moved the previous question.

On this motion, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 665**), and there were—yeas 72, nays 24, absent and not voting 4, with the nays and the absent and not voting being as follows:

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

Absent and Not Voting: Bridges, Hardy, Householder and Linville.

So, a majority of the members present having voted in the affirmative, the motion prevailed.

The question being on the motion to refuse to recede, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 666**), and there were—yeas 90, nays 9, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Boggs, Doyle, Evans, Fleischauer, Hornbuckle, Pushkin, Rowe, Thompson and Walker.

Absent and Not Voting: Hardy.

So, a majority of the members present having voted in the affirmative, the motion to refuse to recede prevailed.

Delegate Summers moved to amend the title of the bill as follows:

Com. Sub. for H. B. 2363 – “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto five new sections, designated §48-1-239a, §48-1-239b, §48-1-241a, §48-1-241b, and §48-9-105; to amend and reenact §48-1-220, §48-1-239, §48-9-102, §48-9-203, §48-9-204, §48-9-206, §48-9-207, §48-9-209, §48-9-301, §48-9-403, §48-9-601, §48-9-603 of said code, all

relating to domestic relations and child custody allocation; providing definitions; amending definitions; clarifying the authority of parents to make emergency and non-elective healthcare decisions; requiring the court to consider parenting functions in determining best interests of the child; adding meaningful contact between a child and his or her siblings, including half-siblings, as an objective of the best interests of the child; providing for venue of custody actions outside of divorce proceedings; requiring the court to consider parenting functions in temporary parenting plans and allocation of custody; adding a preference time allocated to the parent resulting in the child being under the care of that parent is preferred to the parent resulting in time allocated to the parent resulting in the child being under the care of a third party as an objective in allocation determinations; adding an objective for reasonable access to the child by telephone or other electronic contact as an objective in allocation determinations; requiring that, in the absence of agreement of the parents, a final allocation determination must be made pursuant to hearing which cannot be conducted exclusively by presentation of evidence by proffer; adding neglect and abandonment as criteria that may overcome presumption that joint decision-making responsibility is in the best interests of the child; clarifying criteria of interference with the other parent's relationship with the child; providing notice requirements during a court-ordered investigation; requires that a hearing cannot take place until after the investigation report is provided to the parties and completion of any requested discovery; allowing for continuance of a hearing following an investigation; providing a mechanism for the adjudication of requests for relocation of a parent with a child; providing circumstances for which relocation of a parent constitutes a substantial change in the circumstances of the child; requiring the relocating parent to file a verified petition for the court for modification of the parenting plan; identifying consequences of failure to comply with the requirements of this section; requiring a copy of the petition to be served on the other parent and all other persons allocated custodial time with the child; establishing requirements for the petition for modification of the parenting plan; requiring a hearing to be held on the petition at least 30 days in advance of the proposed date of relocation; providing

for an expedited hearing; authorizing the court to revise the parenting plan; authorizing the court to allocate costs between the parties; establishing the burden of proof for the relocating parent; defines when a relocation is for a legitimate purpose; establishing a move with a legitimate purpose is unreasonable unless the relocating parent proves that the purpose is not substantially achievable without moving and that moving to a location that is substantially less disruptive of the other parent's relationship to the child is not feasible; requiring the court to consider the best interests of the child when modifying the parenting plan; requiring the court to minimize impairment to a parent-child relationship caused by a parent's relocation through alternative arrangements; setting forth the opportunity for parties to file a modified parenting plan signed by all parties; conditionally requiring an initial permanent parenting plan to be established before a relocation is considered; requiring interviewing or questioning of the child to be conducted in accordance with Rule 17 of the Rules of Practice and Procedure for Family Court; providing for parental access to a child's vital records; requiring notice to the other party if the child is a victim of a crime unless the other party is the perpetrator; providing an effective date; and providing that existing orders remain in effect unless modified by a court of competent jurisdiction."

Delegate Steele moved the previous question.

On this motion, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 667**), and there were—yeas 79, nays 20, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Barach, Boggs, Brown, Diserio, Doyle, Fleischauer, Fluharty, Garcia, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Worrell and Young.

Absent and Not Voting: Hardy.

So, a majority of the members present having voted in the affirmative, the previous question was ordered.

The House then adopted the title amendment.

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

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:

H. B. 3089, Make utility workers essential employees during a state of emergency.

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

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

“ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

§15-5-2. Definitions.

As used in this article:

‘Board’ means the West Virginia Disaster Recovery Board created by this article;

‘Code’ means the Code of West Virginia, 1931, as amended;

‘Community facilities’ means a specific work, or improvement within this state or a specific item of equipment or tangible personal property owned or operated by any political subdivision or nonprofit corporation and used within this state to provide any essential service to the general public;

‘Critical infrastructure’ includes any systems and assets, whether physical or virtual, so vital to the state that the incapacity

or destruction of such systems and assets would have a debilitating impact on security, state economic security, state public health or safety, or any combination of those matters.

‘Disaster’ means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or terrorist or man-made cause, including weapons of mass destruction, fire, flood, earthquake, wind, snow, storm, chemical or oil spill or other water or soil contamination, epidemic, air contamination, blight, drought, infestation or other public calamity requiring emergency action;

‘Disaster recovery activities’ means activities undertaken prior to, during or following a disaster to provide, or to participate in the provision of, critical infrastructure, emergency services, temporary housing, residential housing, essential business activities, and community facilities;

‘Emergency services’ means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to protect, respond, and recover, to prevent, detect, deter, and mitigate, to minimize and repair injury and damage resulting from disasters or other event caused by flooding, terrorism, enemy attack, sabotage, or other natural or other man-made causes. These functions include, without limitation, critical infrastructure services, firefighting services, police services, medical and health services, communications, emergency telecommunications, radiological, chemical, and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to the health, safety, and welfare of the citizens of this state, together with all other activities necessary or incidental to the preparation for and carrying out of these functions. Disaster includes the imminent threat of disaster as well as its occurrence and any power or authority exercisable on account of a disaster that may be exercised during the period when there is an imminent threat;

‘Essential business activities’ means a specific work or improvement within this state or a specific item of equipment or tangible personal property used within this state by any person to provide any essential goods or ~~service~~ critical infrastructure services determined by the authority to be necessary for continued operations during a disaster, state of emergency, or state of preparedness, and for recovery from a disaster;

‘Essential workers’ means employees or contractors that fall under the definition of essential business activities during a disaster, state of emergency, or state of preparedness.

‘Local organization for emergency services’ means an organization created in accordance with the provisions of this article by state or local authority to perform local emergency services function;

‘Mobile support unit’ means an organization for emergency services created in accordance with the provisions of this article by state or local authority to be dispatched by the Governor to supplement local organizations for emergency services in a stricken area;

‘Person’ means any individual, corporation, voluntary organization or entity, partnership, firm, or other association, organization, or entity organized or existing under the laws of this or any other state or country;

‘Political subdivision’ means any county or municipal corporation in this state;

‘Recovery fund’ means the West Virginia Disaster Recovery Trust Fund created by this article;

‘Residential housing’ means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for residential housing, including, but not limited to, facilities for temporary housing and emergency housing, and any other nonhousing facilities that are incidental or appurtenant thereto;

‘Secretary’ means the Secretary of the West Virginia Department of Military Affairs and Public Safety; and

‘Temporary housing’ means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for temporary residential shelters or housing for victims of a disaster and such other nonhousing facilities that are incidental or appurtenant thereto.

§15-5-30. State of emergency; state of preparedness; essential workers.

(a) During a state of emergency or state of preparedness, set forth by the Governor, employees of public utilities, cable television operators, telecommunications carriers, and publicly or privately owned water and sewer systems shall be considered essential workers to ensure that these services can continue to operate or be restored.

(b) Contractors, vendors, and suppliers of public utilities, cable television operators, telecommunications carriers, and publicly or privately owned water and sewer systems of the state shall be considered essential workers to aid the utilities and telecommunications services in continuation of services to its customers.

(c) The provisions of subsections (a) and (b) of this section apply only and specifically for the purpose of ensuring that public utilities, cable television operators, telecommunications carriers, and publicly or privately owned water and sewer systems can continue to operate or be restored and may not be construed or interpreted in any way to have any relevance or meaning beyond this specific purpose.”

And,

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

H. B. 3089 – “A Bill to amend and reenact §15-5-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §15-5-30, all relating to homeland security and emergency management; defining terms; and providing that employees of public utilities, cable television operators, telecommunications carriers, and publicly or privately owned water and sewer systems shall be considered essential workers to ensure that these services can continue to operate or be restored during a state of emergency or state of preparedness.”

On the motion to concur in the Senate amendments, Delegate Capito moved the previous question.

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 668**), and there were—yeas 79, nays 21, absent and not voting none, with the nays being as follows:

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

So, a majority of the members present having voted in the affirmative, the motion prevailed.

The House then concurred in the amendment of the bill by the Senate.

The question being on the passage of the bill, as amended by the Senate, Delegate Pinson moved the previous question.

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 669**), and there were—yeas 89, nays 11, absent and not voting none, with the nays being as follows:

Nays: Doyle, Fleischauer, Fluharty, Hansen, Pethtel, Pushkin, Rowe, Skaff, Walker, Williams and Worrell.

So, a majority of the members present having voted in the affirmative, the motion prevailed.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 670**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 3089) passed.

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

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 419, Redefining “firearm” to match federal code.

A message from the Senate, by

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

Com. Sub. for S. B. 458, Relating to possession of firearms by individuals during state of emergency.

A message from the Senate, by

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

Com. Sub. for S. B. 534, Permitting Economic Development Authority to make working capital loans from revolving loan fund capitalized with federal grant funds.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the title amendment of the House of Delegates and the passage, as amended, to take effect July 1, 2021, of

Com. Sub. for S. B. 613, Adding classification and base salaries of certain civilian employees of State Police Forensic Laboratory.

A message from the Senate, by

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

Com. Sub. for S. B. 671, Appointing Director of Office of Emergency Medical Services.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

Com. Sub. for S. B. 695, Providing procedures for decreasing or increasing corporate limits by annexation.

A message from the Senate, by

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

S. B. 714, Relating to physician assistant practice act.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect July 1, 2021, of

Com. Sub. for S. B. 34, Creating exemption to state sales and use tax for rental and leasing of equipment.

A message from the Senate, by

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

Com. Sub. for S. B. 318, Relating generally to public notice of unclaimed property held by State Treasurer.

A message from the Senate, by

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

Com. Sub. for S. B. 478, Permitting use of established federal marketplace programs to purchase supplies.

A message from the Senate, by

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

Com. Sub. for H. B. 2363, Relating to “Best Interests of the Child Protection Act of 2021”,

And,

Com. Sub. for H. B. 2694, Create the 2nd Amendment Preservation Act.

A message from the Senate, by

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

Com. Sub. for H. B. 2667, To create a cost saving program for state buildings regarding energy efficiency,

Com. Sub. for H. B. 2794, To extend the Neighborhood Investment Program Act to July 1, 2026,

Com. Sub. for H. B. 2884, To make changes to the FOIA law to protect public utility customer databases from disclosure, with exceptions,

H. B. 3132, Relating to motor carrier inspectors,

H. B. 3308, Relating to increasing number of limited video lottery terminals,

And,

H. B. 3311, Relating to the cost of medical records.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect July 1, 2021, a bill of the House of Delegates, as follows:

H. B. 2915, Relating to public records management and preservation,

And,

Com. Sub. for H. B. 3266, Providing for termination of extracurricular contact upon retirement.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect July 1, 2021, of

Com. Sub. for S. B. 344, Relating to credit for qualified rehabilitated buildings investment,

And,

Com. Sub. for S. B. 368, Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had receded from its amendments, and again passed, bills of the House of Delegates as follows:

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

Com. Sub. for H. B. 2962, Relating generally to dental practice,

And,

H. B. 3177, Removing expired, outdated, inoperative and antiquated provisions and report requirements in education.

A message from the Senate, by

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

Com. Sub. for S. B. 492, Establishing program for bonding to reclaim abandoned wind and solar generation facilities,

And,

Com. Sub. for S. B. 702, Relating to involuntary hospitalization, competency, and criminal responsibility of persons charged or convicted of certain crimes.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect May 10, 2021, of

Com. Sub. for H. B. 2025, Provide liquor, wine, and beer licensees with some new concepts developed during the State of Emergency utilizing new technology to provide greater freedom to operate in a safe and responsible manner.

Committee Reports

In accordance with House Rule 68, the Joint Committee on Enrolled Bills, filed the following reports with the Clerk:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the dates listed, 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:

April 10, 2021

H. B. 2253, Relating to forgery and other crimes concerning lottery tickets,

H. B. 2958, Relating to repealing outdated sections of state code,

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

And,

H. B. 3081, Updating the West Virginia Business Corporations Act.

April 13, 2021

S. B. 335, Relating to WV Invests Grant Program for students at accredited community and technical college,

Com. Sub. for S. B. 375, Relating to county boards of education policies for open enrollment,

Com. Sub. for S. B. 387, Relating to drug screening of applicants for cash assistance,

Com. Sub. for S. B. 392, Creating penalty for impersonating law-enforcement officer or official,

Com. Sub. for S. B. 439, Allowing use or nonuse of safety belt as admissible evidence in civil actions,

Com. Sub. for S. B. 460, Relating to Deputy Sheriff Retirement System Act,

Com. Sub. for S. B. 466, Relating generally to appraisal management companies,

Com. Sub. for S. B. 479, Relating to WV veterans service decoration and WV Service Cross,

Com. Sub. for S. B. 483, Allowing oaths be taken before any person authorized to administer oaths,

S. B. 486, Relating to powers and duties of Chief Technology Officer,

S. B. 488, Relating to distributing hotel occupancy tax to convention and visitor's bureaus,

S. B. 494, Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund,

S. B. 496, Relating to punishment for second or third degree felony,

S. B. 521, Extending licensure renewal term of certain private investigators, security guards, and associated firms,

S. B. 529, Correcting improper citation relating to DMV registration,

S. B. 577, Exempting certain fire departments from licensure requirements for providing rapid response services,

Com. Sub. for S. B. 626, Updating regulation for purchase of automobile catalytic converters,

Com. Sub. for S. B. 634, Requiring training of certain officers for persons with autism spectrum disorder,

S. B. 651, Allowing county boards of education to publish financial statements on website,

Com. Sub. for S. B. 668, Creating Psychology Interjurisdictional Compact,

Com. Sub. for S. B. 673, Relating to venue for bringing civil action or arbitration proceedings under construction contracts,

S. B. 680, Allowing State Superintendent of Schools define classroom teachers certified in special education,

S. B. 713, Relating generally to inmate good time,

And,

S. B. 717, Supplemental appropriation from General Revenue to WV Community and Technical College Education, Control Account.

April 14, 2021

Com. Sub. for H. B. 2022, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution,

H. B. 2028, Exempting veterinarians from the requirements of controlled substance monitoring,

Com. Sub. for H. B. 2093, Relating to exemptions for the United States Department of Veterans Affairs Medical Foster Homes,

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

H. B. 2500, Create an act for Statewide Uniformity for Auxiliary Container Regulations,

Com. Sub. for H. B. 2529, Prohibiting West Virginia institutions of higher education from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing,

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,

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

H. B. 2768, Supplementing, amending and increasing an existing item of appropriation from the State Road Fund, to the Department of Transportation, Division of Highways,

Com. Sub. for H. B. 2769, Supplementing, amending and increasing items of existing appropriation from the State Road

Fund to the Department of Transportation, Division of Motor Vehicles,

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

H. B. 2790, Supplementing, amending, decreasing, and increasing items of existing appropriation to Division of Highways,

H. B. 2791, Relating to enrollment and costs of homeschooled or private school students at vocational schools,

Com. Sub. for H. B. 2823, Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code,

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

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

H. B. 2830, Relating generally to sex trafficking,

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

H. B. 2895, Supplementing and amending the appropriations of public moneys to the Department of Veterans' Assistance,

H. B. 2900, Expiring funds to the balance of the Department of Education – State Board of Education – School Building Authority – School Construction Fund,

H. B. 2906, Relating to the School Building Authority's allocation of money,

H. B. 2918, Relating to Family Drug Treatment Court,

H. B. 2957, Relating to the repeal of outdated code sections,

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

H. B. 3175, Relating to removing certain felonies than can prohibit vehicle salespersons from receiving a license,

H. B. 3191, Requiring employers to send certain notifications when retirants are hired as temporary, part-time employees,

Com. Sub. for H. B. 3254, Authorizing members of development authorities to accept federally authorized reimbursement for services which the members rendered on a voluntary basis,

H. B. 3286, Making a supplementary appropriation to the Division of Human Services – Child Care and Development,

H. B. 3287, Making a supplementary appropriation to the Department of Homeland Security,

H. B. 3288, Supplementing and amending appropriations by decreasing and increasing existing items of appropriation in the DHHR,

H. B. 3289, Supplementary appropriation to the Department of Commerce, Geological and Economic Survey,

H. B. 3291, Making a supplementary appropriation to the Department of Homeland Security, Division of Administrative Services,

H. B. 3294, Relating to unemployment insurance,

Com. Sub. for H. B. 3295, Making a supplemental appropriation to Division of Human Services and Division of Health Central Office,

Com. Sub. for H. B. 3297, Making a supplemental appropriation to the Department of Veterans' Assistance - Veterans Home,

H. B. 3298, Making a supplemental appropriation to Dept. of Commerce, Dept. of Education, Senior Services and Civil Contingent Fund,

H. B. 3313, Making supplemental appropriation to the Division of Motor Vehicles,

H. B. 3314, Making supplemental appropriation to West Virginia State Police,

H. B. 3315, Making supplemental appropriation to Division of Environmental Protection - Oil and Gas Reclamation Fund,

H. B. 3316, Supplemental appropriation to the Department of Education, State Board of Education,

S. B. 294, Relating generally to savings and investment programs offered by state,

Com. Sub. for S. B. 297, Relating generally to modernizing Board of Treasury Investments,

S. B. 307, Relating generally to in-state tuition rates for certain persons,

Com. Sub. for S. B. 343, Authorizing DMV to process online driver's license or identification card change of address,

Com. Sub. for S. B. 361, Extending supervision for conviction of soliciting minor and using obscene matter with intent to seduce minor,

S. B. 376, Removing obsolete provisions regarding DOH standards for studded tires and chains,

S. B. 397, Relating to health care provider tax.

Com. Sub. for S. B. 401, Relating to WV Consumer Credit and Protection Act,

And,

Com. Sub. for S. B. 434, Requiring training for law-enforcement officers responsible for investigating crimes of sexual assault.

April 15, 2021

Com. Sub. for S. B. 334, Establishing license application process for needle exchange programs.

April 16, 2021

H. B. 2029, Relating to teacher preparation clinical experience programs,

Com. Sub. for H. B. 2763, Creating WV Cyber Incident Reporting,

Com. Sub. for H. B. 2765, Relating to allowing emergency management and operations' vehicles operated by airports to use red flashing warning lights,

H. B. 3129, Relating to the Consumer Price Index rate increase,

H. B. 3130, Relating to elimination of sunset provisions concerning towing rates,

Com. Sub. for S. B. 34, Creating exemption to state sales and use tax for rental and leasing of equipment,

Com. Sub. for S. B. 263, Permitting online raffles to benefit charitable and public service organizations,

Com. Sub. for S. B. 318, Relating generally to public notice of unclaimed property held by State Treasurer,

Com. Sub. for S. B. 344, Relating to credit for qualified rehabilitated buildings investment,

S. B. 359, Informing landowners when fencing that may contain livestock is damaged due to accident,

Com. Sub. for S. B. 368, Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program,

Com. Sub. for S. B. 398, Limiting eligibility of certain employers to participate in PEIA plans,

Com. Sub. for S. B. 419, Redefining ‘firearm’ to match federal code,

Com. Sub. for S. B. 458, Relating to possession of firearms by individuals during state of emergency,

Com. Sub. for S. B. 464, Requiring composting of organic materials and commercial composting products comply with WV Fertilizer Law,

Com. Sub. for S. B. 470, Limiting release of certain personal information maintained by state agencies,

Com. Sub. for S. B. 478, Permitting use of established federal marketplace programs to purchase supplies,

Com. Sub. for S. B. 492, Establishing program for bonding to reclaim abandoned wind and solar generation facilities,

Com. Sub. for S. B. 502, Providing lifetime hunting, fishing, and trapping license to residents, adopted, and foster children under 15,

S. B. 532, Limiting claims for state tax credits and rebates,

Com. Sub. for S. B. 534, Permitting Economic Development Authority to make working capital loans from revolving loan fund capitalized with federal grant funds,

S. B. 537, Relating generally to kidnapping,

Com. Sub. for S. B. 542, Relating generally to public electric utilities and facilities fuel supply for existing coal-fired plants,

Com. Sub. for S. B. 613, Adding classification and base salaries of certain civilian employees of State Police Forensic Laboratory,

Com. Sub. for S. B. 636, Requiring certain history and civics courses be taught in schools,

Com. Sub. for S. B. 641, Allowing counties to use severance tax proceeds for litter cleanup programs,

Com. Sub. for S. B. 642, Requiring legal advertisements by State Auditor be posted to central website,

Com. Sub. for S. B. 655, Eliminating sunset and legislative audit provisions for certain PSC rules,

Com. Sub. for S. B. 658, Requiring sheriff's departments to participate and utilize Handle With Care Program for trauma-inflicted children,

Com. Sub. for S. B. 660, Providing for cooperation between law-enforcement agencies and military authorities,

S. B. 661, Permitting retailers to assume sales or use tax assessed on tangible personal property,

Com. Sub. for S. B. 671, Appointing Director of Office of Emergency Medical Services,

S. B. 674, Clarifying that unpaid restitution does not preclude person from obtaining driver's license,

Com. Sub. for S. B. 684, Adding Curator of Division of Arts, Culture, and History as ex officio voting member to Library Commission,

Com. Sub. for S. B. 695, Providing procedures for decreasing or increasing corporate limits by annexation,

S. B. 714, Relating to physician assistant practice act,

And,

S. B. 718, Relating generally to Coal Severance Tax Rebate.

April 20, 2021

Com. Sub. for S. B. 562, Relating to juvenile competency proceedings,

Com. Sub. for S. B. 657, Relating to free expression on state institution of higher education campuses,

Com. Sub. for S. B. 677, Relating generally to miners' safety, health, and training standards,

And,

Com. Sub. for S. B. 702, Relating to involuntary hospitalization, competency, and criminal responsibility of persons charged or convicted of certain crimes.

April 21, 2021

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

Com. Sub. for H. B. 2370, Provide that Public Service Districts cannot charge sewer rates for filling a swimming pool,

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

H. B. 3304, Authorizing the Division of Corrections and Rehabilitation to establish a Reentry and Transitional Housing Program,

And,

H. B. 3308, Relating to increasing number of limited video lottery terminals.

April 22, 2021

Com. Sub. for H. B. 2002, Relating to Broadband,

Com. Sub. for H. B. 2005, Relating to health care costs,

Com. Sub. for H. B. 2025, Provide liquor, wine, and beer licensees with some new concepts developed during the State of Emergency utilizing new technology to provide greater freedom to operate in a safe and responsible manner,

Com. Sub. for H. B. 2145, Relating to student aide class titles,

Com. Sub. for H. B. 2195, Relating to motor vehicle crash reports,

Com. Sub. for H. B. 2221, Relating to the establishment of an insurance innovation process,

Com. Sub. for H. B. 2266, Relating to expanding certain insurance coverages for pregnant women,

Com. Sub. for H. B. 2267, Establishing an optional bus operator in residence program for school districts,

Com. Sub. for H. B. 2363, Relating to “Best Interests of the Child Protection Act of 2021”,

Com. Sub. for H. B. 2427, Authorizing the Department of Health and Human Resources to promulgate legislative rules,

Com. Sub. for H. B. 2507, Remove the limitations on advertising and promotional activities by limited video lottery retailers,

Com. Sub. for H. B. 2573, Relating generally to the transparency and accountability of state grants to reduce waste, fraud, and abuse,

Com. Sub. for H. B. 2581, Providing for the valuation of natural resources property and an alternate method of appeal of proposed valuation of natural resources property,

Com. Sub. for H. B. 2633, Creating the 2021 Farm Bill,

Com. Sub. for H. B. 2667, To create a cost saving program for state buildings regarding energy efficiency,

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

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. 2694, Create the 2nd Amendment Preservation Act,

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

H. B. 2730, Relating to persons filing federal bankruptcy petition to exempt certain property of the estate,

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

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

Com. Sub. for H. B. 2773, Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake,

H. B. 2776, Creating the Air Ambulance Patient Protection Act,

Com. Sub. for H. B. 2794, To extend the Neighborhood Investment Program Act to July 1, 2026,

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

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

Com. Sub. for H. B. 2884, To make changes to the FOIA law to protect public utility customer databases from disclosure, with exceptions,

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

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

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

H. B. 2915, Relating to public records management and preservation,

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,

Com. Sub. for H. B. 2927, Adding Caregiving expenses to campaign finance expense,

Com. Sub. for H. B. 2933, Anti-Discrimination Against Israel Act,

Com. Sub. for 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,

Com. Sub. for H. B. 2962, Relating generally to dental practice,

Com. Sub. for H. B. 2982, Relating to the Second Chances at Life Act of 2021,

H. B. 2997, Adding a defense to the civil penalty imposed for a result of delivery of fuel to a state other than the destination state printed on the shipping document for fuel,

Com. Sub. for H. B. 3002, Update road abandonment process,

H. B. 3078, Relating to powers and duties of the parole board,

H. B. 3089, Make utility workers essential employees during a state of emergency,

Com. Sub. for H. B. 3106, To change the hearing requirement for misdemeanors to 10 days,

H. B. 3132, Relating to motor carrier inspectors,

H. B. 3133, Relating to motor carrier rates,

H. B. 3177, Removing expired, outdated, inoperative and antiquated provisions and report requirements in education,

Com. Sub. for H. B. 3215, Amending the requirements to become an elected prosecutor,

Com. Sub. for H. B. 3266, Providing for termination of extracurricular contact upon retirement,

Com. Sub. for H. B. 3293, Relating to single-sex participation in interscholastic athletic events,

H. B. 3299, Authorizing Higher Education Rules,

H. B. 3301, Relating generally to property tax increment financing districts,

H. B. 3310, Relating to the jurisdiction of the Public Service Commission,

And,

H. B. 3311, Relating to the cost of medical records.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of joint resolutions of the House of Delegates as follows:

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

And,

Com. Sub. for H. J. R. 3, Property Tax Modernization Amendment.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of concurrent resolutions of the House of Delegates as follows:

Com. Sub. for H. C. R. 55, Studying the viability of creating a veterinary school in West Virginia,

Com. Sub. for H. C. R. 84, Requesting the Joint Committee on Government and Finance to study the declining population of military service veterans in West Virginia.

H. C. R. 86, Study the recruitment and retention of Health Care Workers in West Virginia,

H. C. R. 98, For West Virginias Public Employee Insurance Agency (PEIA) Finance Board to examine how they can enhance reimbursement rates to providers,

H. C. R. 100, Requesting study on how Local Health Departments are funded and supported,

And,

H. C. R. 101, Requesting a study of the state's laboratory needs and the utilization of private laboratories.

Messages from the Executive

Subsequent to the adjournment of the session, communications were received from His Excellency, the Governor, advising that on April 9, 2021, he approved **Com. Sub. for H. B. 2024, Com. Sub. for H. B. 2026 and Com. Sub. for H. B. 2260**; on April 13, 2021,

he approved S. B. 693; on April 15, 2021, he approved Com. Sub. for H. B. 2022, Com. Sub. for H. B. 2094, H. B. 2253, Com. Sub. for H. B. 2400, Com. Sub. for H. B. 2495, H. B. 2768, Com. Sub. for H. B. 2769, H. B. 2790, H. B. 2791, H. B. 2808, H. B. 2852, H. B. 2895, H. B. 2898, H. B. 2900, H. B. 2941, H. B. 3286, H. B. 3287, H. B. 3288, H. B. 3289, H. B. 3291, Com. Sub. for H. B. 3295, Com. Sub. for H. B. 3297, H. B. 3298, H. B. 3313, H. B. 3314, H. B. 3315, H. B. 3316, S. B. 78, Com. Sub. for S. B. 80, Com. Sub. for S. B. 81, S. B. 89, Com. Sub. for S. B. 334, Com. Sub. for S. B. 335, Com. Sub. for S. B. 346, S. B. 374, Com. Sub. for S. B. 377, Com. Sub. for S. B. 389, Com. Sub. for S. B. 421, Com. Sub. for S. B. 429, S. B. 437, S. B. 463, S. B. 486, Com. Sub. for S. B. 514, Com. Sub. for S. B. 518, S. B. 521, S. B. 529, Com. Sub. for S. B. 587, S. B. 644 and S. B. 717; on April 19, 2021, he approved H. B. 2028, Com. Sub. for H. B. 2093, H. B. 2366, H. B. 2500, Com. Sub. for H. B. 2877, H. B. 2888, Com. Sub. for S. B. 375, Com. Sub. for S. B. 392, Com. Sub. for S. B. 439, Com. Sub. for S. B. 472, Com. Sub. for S. B. 479, Com. Sub. for S. B. 483, S. B. 496, S. B. 577, Com. Sub. for S. B. 626, Com. Sub. for S. B. 634, S. B. 651, S. B. 680, S. B. 713; on April 21, 2021, he approved Com. Sub. for H. B. 2529, Com. Sub. for H. B. 2722, Com. Sub. for H. B. 2765, Com. Sub. for H. B. 2785, Com. Sub. for H. B. 2823, H. B. 2829, H. B. 2830, H. B. 2958, H. B. 3107, H. B. 3129, H. B. 3130, H. B. 3175, H. B. 3191, Com. Sub. for H. B. 3254, Com. Sub. for S. B. 344, S. B. 359, Com. Sub. for S. B. 361, S. B. 397, Com. Sub. for S. B. 398, Com. Sub. for S. B. 458, Com. Sub. for S. B. 466, S. B. 488, S. B. 532, Com. Sub. for S. B. 668 and S. B. 714; on April 26, 2021, he approved H. B. 2029, Com. Sub. for H. B. 2195, Com. Sub. for H. B. 2221, Com. Sub. for H. B. 2370, Com. Sub. for H. B. 2507, Com. Sub. for H. B. 2573, Com. Sub. for H. B. 2688, Com. Sub. for H. B. 2720, H. B. 2730, Com. Sub. for H. B. 2758, Com. Sub. for H. B. 2763, Com. Sub. for H. B. 2773, Com. Sub. for H. B. 2794, Com. Sub. for H. B. 2834, Com. Sub. for H. B. 2842, Com. Sub. for H. B. 2884, Com. Sub. for H. B. 2890, H. B. 2906, H. B. 2914, H. B. 2915, Com. Sub. for H. B. 2916, H. B. 2918, Com. Sub. for H. B. 2933, Com. Sub. for H. B. 2953, H. B. 2957, H. B. 3010, H. B. 3045, H. B. 3081, H. B. 3089, Com. Sub. for H. B. 3106, H. B. 3132, H. B. 3133, H. B. 3177, Com. Sub. for

H. B. 3215, Com. Sub. for H. B. 3266, H. B. 3299, H. B. 3301, H. B. 3304, H. B. 3308, H. B. 3311, Com. Sub. for S. B. 297, S. B. 307, Com. Sub. for S. B. 343, S. B. 376, Com. Sub. for S. B. 387, Com. Sub. for S. B. 401, Com. Sub. for S. B. 419, Com. Sub. for S. B. 434, Com. Sub. for S. B. 460, Com. Sub. for S. B. 464, Com. Sub. for S. B. 478, Com. Sub. for S. B. 492, S. B. 494, Com. Sub. for S. B. 502, Com. Sub. for S. B. 534, S. B. 537, Com. Sub. for S. B. 613, Com. Sub. for S. B. 636, Com. Sub. for S. B. 641, Com. Sub. for S. B. 642, Com. Sub. for S. B. 657, Com. Sub. for S. B. 658, Com. Sub. for S. B. 660, S. B. 661, Com. Sub. for S. B. 671, Com. Sub. for S. B. 673, S. B. 674 and Com. Sub. for S. B. 684; on April 27, 2021, he approved Com. Sub. for H. B. 2267, Com. Sub. for H. B. 2694 and H. B. 2997; on April 28, 2021, he approved Com. Sub. for H. B. 2002, Com. Sub. for H. B. 2005, Com. Sub. for H. B. 2025, Com. Sub. for H. B. 2145, Com. Sub. for H. B. 2266, Com. Sub. for H. B. 2363, Com. Sub. for H. B. 2368, Com. Sub. for H. B. 2427, Com. Sub. for H. B. 2581, Com. Sub. for H. B. 2633, Com. Sub. for H. B. 2667, Com. Sub. for H. B. 2671, Com. Sub. for H. B. 2747, Com. Sub. for H. B. 2760, H. B. 2776, H. B. 2874, Com. Sub. for H. B. 2891, Com. Sub. for H. B. 2927, Com. Sub. for H. B. 2962, H. B. 2969, Com. Sub. for H. B. 2982, Com. Sub. for H. B. 3002, H. B. 3078, Com. Sub. for H. B. 3293, H. B. 3294, Com. Sub. for S. B. 34, Com. Sub. for S. B. 263, Com. Sub. for S. B. 294, Com. Sub. for S. B. 318, Com. Sub. for S. B. 368, Com. Sub. for S. B. 470, Com. Sub. for S. B. 542, Com. Sub. for S. B. 562, Com. Sub. for S. B. 655, Com. Sub. for S. B. 677, Com. Sub. for S. B. 695, Com. Sub. for S. B. 702 and S. B. 718.

The following bill became law without the signature of the Governor:

H. B. 3310, Relating to the jurisdiction of the Public Service Commission.

Miscellaneous Business

The House of Delegates met on Friday, April 9, 2021 for **Remarks by Members**, which had been scheduled for ten minutes after the floor session, in accordance with House Rule 65. The

Honorable Jason Barrett, the Delegate from the Sixty-First Delegate District, called the House to order and presided while members proceeded to make remarks. At 8:11 p.m., Remarks by Members was adjourned.

Pursuant to House Rule 132, consent was obtained to print the following in the Appendix to the Journal:

- Delegate Evans regarding the motion to recede from the House amendment to Com. Sub. for S. B. 542

Delegate Horst noted to the Clerk that he was absent when the vote was taken on the passage of Com. Sub. for H. B. 2747, and had he been present, he would have voted “Yea” thereon.

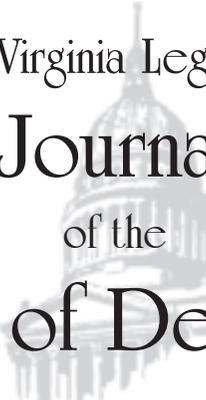
Delegate Kimble noted to the Clerk that she was absent when the vote was taken on Roll Call No. 642, and had she been present, she would have voted “Yea” thereon.

On motion of Delegate Summers, the House of Delegates adjourned *sine die* at 12:01 a.m. on April 11, 2021.

We hereby certify that the forgoing record of the proceedings of the House of Delegates, First Regular Session, 2021, is the Official Journal of the House of Delegates for said session.

Roger Hanshaw
Speaker of the House of Delegates

Stephen J. Harrison
Clerk of the House of Delegates



West Virginia Legislature
Journal
of the
House of Delegates

Eighty-Fifth Legislature
First Extraordinary Session

Charleston, Monday, June 7, 2021

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

Pursuant to the Proclamation of His Excellency, the Governor, issued the third day of June, 2021, and hereinafter set forth with subsequent amendment, convening the Legislature in Extraordinary Session at Noon on the seventh day of June, 2021, the House of Delegates assembled in its Chamber in the Capitol Building in the City of Charleston and was called to order by the Speaker, the Honorable Roger Hanshaw.

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

At the request of Speaker Hanshaw, the Clerk opened the voting machine to determine the presence of a quorum (**Roll No. 671**), and 95 members having registered their presence, the Speaker declared a quorum was present. The absent being as follows:

Absent: Cooper, Martin, Nestor, Walker and Westfall.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation by which it had been called together.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Graves, Gearheart and Boggs.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three, to join with a similar committee on the part of the Senate, to inform His Excellency, the Governor, that the Legislature had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Rowan, Phillips and Lovejoy.

Messages from the Executive

Proclamations of His Excellency, the Governor, convening the Legislature in extraordinary session, were laid before the House of Delegates and read by the Clerk.

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT

Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session at Noon on Monday, June 7, 2021, in its chambers in the State Capitol, the City of Charleston, for the limited purpose of considering and acting upon only the following matters:

FIRST: To make a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health - Substance Abuse Prevention and Treatment, fund 8793, fiscal year 2022, organization 0506, appropriation 89101, in the amount of \$14,959,019; to the Department of Health and Human Resources, Division of Health - Community Mental Health Services, fund 8794, fiscal year 2022, organization 0506, appropriation 89101, in the amount of \$12,477,493; to the Department of Health and Human Resources, Division of Human Services - Energy Assistance, fund 8755, fiscal year 2022, organization 0511, appropriation 89101, in the amount of \$40,464,237; to the Department of Health and Human Resources, Division of Human Services - Temporary Assistance for Needy Families, fund 8816, fiscal year 2022, organization 0511, appropriation 89101, in the amount of \$4,617,546; and to the Department of Health and Human Resources, Division of Human Services - Child Care and Development, fund 8817, fiscal year 2022, organization 0511, appropriation 89101, in the amount of \$330,722,313, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022; and

SECOND: To make a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 8723, fiscal year 2022, organization

0506, appropriation 89101, in the amount of \$4,886,344; to the Department of Health and Human Resources, Division of Health - Central Office, fund 8802, fiscal year 2022, organization 0506, appropriation 89101, in the amount of \$248,917,788; and to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2022, organization 0511, appropriation 89101, in the amount of \$151,642,105; and, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022; and

THIRD: To make a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Education, State Board of Education- State Department of Education, fund 8712, fiscal year 2021, organization 0402, appropriation 89101, in the amount of \$1,246,924; and to the Department of Education, State Board of Education - School Lunch Program, fund 8713, fiscal year 2021, organization 0402, appropriation 13000, in the amount of \$40,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021; and

FOURTH: To make a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Education, State Board of Education-State Department of Education, fund 8712, fiscal year 2022, organization 0402, appropriation 89101, in the amount of \$1,246,924; and to the Department of Education, State Board of Education - School Lunch Program, fund 8713, fiscal year 2022, organization 0402, appropriation 13000, in the amount of \$52,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022; and

FIFTH: To make a supplementary appropriation, in the amount of \$150,000,000, by adding a new item and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Division of Highways, fund 0620, fiscal year 2021, organization

0803, appropriation 70000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2020, known as the budget bill for the fiscal year ending June 30, 2021; and

SIXTH: To supplement, amend, and increase an item of existing appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2022, organization 0803, appropriation 23700, for the fiscal year ending June 30, 2021, in the amount of \$150,000,000; and

SEVENTH: To authorize and appropriate public funds sufficient to pay for the Extraordinary Session.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Third day of June, in the year of our Lord, Two Thousand Twenty-One, and in the One Hundred Fifty-Eighth year of the State.

Jim Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State.

A communication was laid before the House of Delegates, which was read by the Clerk as follows:

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby **AMEND** the proclamation dated June 3, 2021, calling the West Virginia Legislature to convene in Extraordinary Session at Noon on Monday, June 7, 2021, in its chambers in the State Capitol, the City of Charleston, as follows:

1. By deleting item six in its entirety and replacing the same with the following:

SIXTH: To supplement, amend, and increase an item of existing appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2022, organization 0803, appropriation 23700, for the fiscal year ending June 30, 2022, in the amount of \$150,000,000; and

2. By adding item eight, as follows:

EIGHTH: To correct an incorrect citation to federal law, by amending and reenacting chapter 46, Acts of the Legislature, regular session, 2021, as last amended and reenacted by chapter 147, Acts of the Legislature, regular session, 2003, relating to exemptions of property in federal bankruptcy proceedings; allowing a debtor in bankruptcy to use the federal law exemptions under 11 U.S.C. §522(d); and updating the effective date.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Seventh day of June, in the year of our Lord, Two Thousand Twenty-One, and in the One Hundred Fifty-Eighth year of the State.

Jim Justice,
Governor.



By the Governor

Mac Warner,
Secretary of State.

The following communication was laid before the House of Delegates and reported by the Clerk:

STATE OF WEST VIRGINIA
Jim Justice
Governor of West Virginia

June 7, 2021

**HOUSE EXECUTIVE MESSAGE NO. 1
2021 1ST EXTRAORDINARY SESSION**

The Honorable Roger Hanshaw
Speaker, West Virginia House of Delegates
Building 1, Room M-228
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Speaker Hanshaw:

The following amends and replaces the “FY 2021 Official Estimate General Revenue – Statement of Revenues by Source” which I submitted to you on February 10, 2021 as part of my Budget Document for the fiscal year ending June 30, 2021:

General Revenue Fund
Statement of Revenues by Source
(Expressed in Thousands)

FY 2021

Official

<u>Source of Revenue</u>	<u>Estimate Revised</u>
Business and Occupation Tax	\$ 126,900
Consumers Sales and Use Tax	1,421,800

Personal Income Tax ¹	2,255,650
Liquor Profit Transfers	23,000
Beer Tax and Licenses	7,550
Tobacco Products Tax (Cigarette & Other)	155,400
Business Franchise Fees	700
Property Transfer Tax	12,300
Property Tax	7,600
Insurance Tax	131,300
Departmental Collections	24,200
Corporate Income/Business Franchise Tax ¹	194,500
Miscellaneous Transfers	2,000
Interest Income	14,664
Severance Tax	250,950
Miscellaneous Receipts	11,000
HB102 - Lottery Transfers	65,000
Special Revenue Transfer	10,000
Senior Citizen Tax Credit Reimbursement	10,000
Total	<u>\$ 4,724,514</u>

¹Revised due to COVID-19 Pandemic extended due dates for filing and paying income taxes, a significant amount of income tax payments were deferred from the fourth quarter of FY2020 to the first quarter of FY2021. Prior to the beginning of fiscal year 2021 the monthly estimates were adjusted to capture this change but the overall annual estimates were not adjusted at that time.

Note: The Governor's official Revenue Estimates for Fiscal Year 2021 were revised upward by \$150 million as of June 2021. The changes include an increase in the Corporate Income/Business Franchise Tax and the Personal Income tax estimate.

The following amends and replaces the "General Revenue Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance" which I submitted to you on February 10, 2021 as part of my Budget Document for the fiscal year ending June 30, 2022:

General Revenue Fund
Statement of Revenues, Expenditures, and Changes in Cash
Balance
(Nearest Dollar)

Actual Beginning Cash Balance		
July 1, 2020		\$ 454,485,510
Less: 31 Day Disbursements		
(July 1, 2020 - July 31, 2020)		(55,976,092)
Plus: Prior Year Reimbursements		
(July 1, 2020 - July 31, 2020)		1,842
Less: Prior Year Appropriations Forwarded		(370,172,328)
Less: Cash Balance –		
Adjustments and Accruals		<u>(259,245)</u>
Accumulated Surplus from FY 2020 @		
July 31, 2020		\$28,079,687
Less: Transfer to Revenue Shortfall		
Reserve Fund (Statutory)		(14,039,843)
Less: FY 2020 Surplus Appropriation		
in FY 2021 Budget Bill		
(Milton Flood Wall)		(6,000,000)
Plus: FY 2021 Surplus Supplemental		
Appropriation - (HB 2788)		
Expiration of State Excess		
Lottery Funds to General		
Revenue Surplus		
(2020 Regular Session)		6,497,548
Plus: FY 2021 Surplus Supplemental		
Appropriation -(HB 2804) Expiration		
from Special Revenue funds		
to General Revenue Surplus		15,500,000
Plus: FY 2021 Surplus Supplemental		
Appropriation - (HB 3297)		
Expiration from Veterans' Prior		
Year Reappropriation		
to General Revenue Surplus		550,000

Less: FY 2021 Surplus Supplemental Appropriation (HB 2789 Public Defender) (2021 Regular Session)	(20,000,000)
Less: FY 2021 Surplus Supplemental Appropriation (HB 2803 Forestry) (2021 Regular Session)	(1,000,000)
Less: FY 2021 Surplus Supplemental Appropriation (HB 2802 Division of Emergency Management) (2021 Regular Session)	(650,000)
Less: FY 2021 Surplus Supplemental Appropriation (HB 2895 Veterans' Nursing Home) (2021 Regular Session)	(8,500,000)
Less: FY 2021 Surplus Supplemental Appropriations (HB 3297 Veterans' Nursing Home) (2021 Regular Session)	(550,000)
Less: Prior Year Reimbursements and Adjustments (August 1, 2020 – May 31, 2021)	<u>159,151</u>
Estimated Unappropriated Surplus Balance @ June 30, 2021	\$46,543
Plus: FY 2021 Revenue Estimate as revised	\$4,724,514,000
Less: FY 2021 Appropriations (FY 2021 Budget Bill) (2020 Regular Session)	(4,574,513,367)
Less: Recommended: FY 2021 Supplemental Appropriation to Highways from General Revenue Unappropriated Balance	<u>(150,000,000)</u>

Total Estimated Unappropriated Balance

@ June 30, 2021 \$633

Plus: FY 2022 Revenue Estimate \$4,569,616,000

Less: FY 2022 Appropriations
(FY 2022 Budget Bill)
(2021 Regular Session) (4,495,032,115)

Estimated Unappropriated Balance
from FY 2022 Activity @ June 30, 2022 \$74,583,885

Total Estimated Unappropriated
Balance @ June 30, 2022 \$74,631,061

The following amends and replaces the “FY 2021 Official Estimate – State Road Fund – Statement of Revenues by Source” which I submitted to you on February 10, 2021 as part of my Budget Document for the fiscal year ending June 30, 2021:

State Road Fund
Statement of Revenues by Source
(Expressed in Thousands)

<u>Source of Revenue</u>	<u>FY 2021 Official Estimate Revised</u>
Gasoline and Motor Carrier Road Tax	\$ 440,000
Registration Fees	169,357
Registration Fee: Highway Litter Control	1,671
Sales (Privilege) Tax	276,500
Less Transfer to Industrial Access Road Fund	(3,000)
Miscellaneous Income ¹	235,000
Federal Reimbursement:	<u>502,400</u>
Total	<u>\$ 1,621,928</u>

¹ For needed pothole repair and other highway maintenance.

State Road Fund Statement of Revenues, Expenditures, and Changes in Cash Balance (Nearest Dollar)	
Cash and Investment Balance July 1, 2020	\$ 50,082,516
Plus: Revenue Estimate - FY 2021	1,471,928,000
Plus: FY 2021 Revision to Revenue Estimate (2021 1 st Extraordinary Session)	<u>150,000,000</u>
Total Estimated Receipts and Balance:	\$ 1,672,010,516
Less: FY 2021 Appropriations (FY 2021 Budget Bill) – Division of Highways	(1,308,582,854)
Less: FY 2021 Appropriations (FY 2021 Budget Bill) – Division of Motor Vehicles	(46,077,719)
Less: FY 2021 Appropriations (FY 2021 Budget Bill) – Office of Administrative Hearings	(2,065,530)
Less: Claims Against the State Road Fund (FY 2021 Budget Bill)	(844,164)
Less: FY 2021 Supplementary Appropriations (2021 Regular Session) Division of Highway	(85,067,146)
Less: FY 2021 Surplus Supplemental Appropriation - (2021 Regular Session) Division of Motor Vehicles	<u>(6,054,000)</u>

Estimated Unappropriated Balance @ June 30, 2021	\$223,319,103
Plus: FY 2022 Revenue Estimate	\$ 1,417,700,000
Less: Recommended FY 2022 Appropriations (FY 2022 Budget Bill) – Highways	(1,305,650,000)
Less: Recommended FY 2022 Appropriations (FY 2022 Budget Bill) - Motor Vehicles	(46,077,719)
Less: Recommended FY 2022 Appropriations (FY 2022 Budget Bill) – Office of Administrative Hearings	(45,000)
Less: Claims Against the State Road Fund (FY 2022 Budget Bill)	(850,000)
Less: FY 2022 Supplementary Appropriations Division of Highways (2021 Regular Session)	(74,067,146)
Less: FY 2022 Supplementary Appropriations Division of Highways (2021 1 st Extraordinary Session)	<u>(150,000,000)</u>
Estimated Unappropriated Balance @ June 30, 2022	<u><u>\$64,329,238</u></u>

Thank you for your cooperation in this matter.

Sincerely,
Jim Justice

Governor

Messages from the Senate

A message from the Senate, by

Senator Grady, on behalf of the committee from the Senate, announced that the Senate had assembled with a quorum present, and was ready to proceed with the business of this session.

Motions

Pursuant to House Rule 90, Delegate Summers moved that the Speaker be authorized to appoint a Select Committee on Redistricting consisting of not more than 24, to be appointed by the Speaker, and that notwithstanding the provisions of any House Rule to the contrary, this Select Committee shall have jurisdiction of legislative proposals to divide the state into senatorial districts, to apportion delegate representation in the House of Delegates, to divide the state into districts for the election of representatives to Congress and related matters, and that the rules of the House governing Standing Committees shall govern the actions and proceedings of this Select Committee insofar as applicable.

On this question, the same was put, and the motion was adopted.

Bills Introduced

Pursuant to House Rule 92, bills were introduced, as follows:

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 101 - “A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Division of Highways, fund 0620, fiscal year 2021, organization 0803, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2020, known as the budget bill for the fiscal year ending June 30, 2021.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (H. B. 101) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 672**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Lovejoy, Martin, Phillips, Rowan, Walker and Westfall.

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

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

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken by the calling of the roll (**Roll No. 673**), and there were—yeas 91, nays 5, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Ferrell, Gearheart, J. Jeffries, Kimes and Longanacre.

Absent and Not Voting: Cooper, Martin, Walker and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 101) passed.

Delegate Summers asked unanimous consent that the bill take effect from its passage and there were no objections.

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

H. B. 102 - “A Bill supplementing, amending and increasing an existing item of appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2022, organization 0803, for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (H. B. 102) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the Clerk proceeded to call the roll.

Delegate Steele arose to a point of order regarding enforcement of House Rule 26.

The Speaker stated the point was well taken and sustained the point of order.

The yeas and nays having been taken by the calling the roll (**Roll No. 674**), there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Martin, Walker and Westfall.

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

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

The bill was then read a third time and put upon its passage.

On the question of passage of the bill, Delegate Summers asked unanimous consent to take a voice vote.

The Speaker stated that he had been advised by the Clerk that the House could not proceed in that manner and directed the Clerk to call the roll (**Roll No. 675**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Martin, Walker and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 102) passed.

Delegate Summers asked unanimous consent to make the bill effective from passage.

The Speaker stated that there must be a roll call and there being no objections, the roll call used on the passage of the bill was used for the effective date.

On that roll call (**Roll No. 675**), there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Martin, Walker and Westfall.

So, two thirds of the members elected having voted in the affirmative, the bill (H. B. 102) takes effect from its passage.

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

The Speaker then asked if there was objection to the roll call used on the passage of **H. B. 101** being used to make the bill effective from passage.

There being no objections, the roll call used on the passage of the bill was used to make it effective from passage as follows:

On that roll call (**Roll No. 673**), there were—yeas 91, nays 5, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Ferrell, Gearheart, J. Jeffries, Kimes and Longanacre.

Absent and Not Voting: Cooper, Martin, Walker and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the bill (H. B. 101) takes effect from its passage.

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

Messages from the Senate

A message from the Senate, by

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

S. B. 1001 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – Substance Abuse Prevention and Treatment, fund 8793, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Division of Health – Community Mental Health Services, fund 8794, fiscal year 2022, organization 0506; to Department of Health and Human Resources, Division of Human Services - Energy Assistance, fund 8755, fiscal year 2022, organization 0511; to the Department of Health and Human Resources, Division of Human Services – Temporary Assistance for Needy Families, fund 8816, fiscal year 2022, organization 0511; and to the Department of Health and Human Resources, Division of Human Services – Child Care and Development, fund 8817, fiscal year 2022, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1001) to a

committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken by the calling of the roll (**Roll No. 676**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Martin, Walker and Westfall.

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

On second reading, an incorrect bill number was stated but S. B. 1001 was the bill before the House for consideration.

There were no amendments and the bill was ordered to third reading.

The bill was read then a read a third time.

Delegate Steele moved to suspend Rule 42 to allow voting by acclamation by raising hands.

Delegate Summers arose to a point of order regarding a vote on a supplemental appropriation.

The Speaker stated he had been advised by the Clerk and the point was well taken and the motion was not in order.

The bill was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken by the calling of the roll (**Roll No. 677**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Martin, Walker and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1001) passed.

At the request of Delegate Summers, and by unanimous consent, the roll call used on passage of the bill was used to make it effective from passage.

On that roll call (**Roll No. 677**), there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Martin, Walker and Westfall.

So, two thirds of the members elected having voted in the affirmative, the bill (S. B. 1001) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1002 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 8723, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Division of Health – Central Office, fund 8802, fiscal year 2022, organization 0506; and to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2022, organization 0511 by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1002) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken by the calling of the roll (**Roll No. 678**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Cooper, Martin, Skaff, Walker and Westfall.

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

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

The bill was then read a third time and then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken by the calling of the roll (**Roll No. 679**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Cooper, Martin, Skaff, Walker and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1002) passed.

At the request of Delegate Summers, and by unanimous consent, the roll call used on passage of the bill was used to make it effective from passage.

On that roll call (**Roll No. 679**), there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Cooper, Martin, Skaff, Walker and Westfall.

So, two thirds of the members elected having voted in the affirmative, the bill (S. B. 1002) takes effect from its passage.

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

A message from the Senate, by

Senators Grady, on behalf of the committee from the Senate, announced that the Senate had completed the business of this First Extraordinary Session and was ready to adjourn *sine die*.

A message from the Senate, by

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

S. B. 1003 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2021, to the Department of Education, State Board of Education – State Department of Education, fund 8712, fiscal year 2021, organization 0402; and to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2021, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1003) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken by the calling of the roll (**Roll No. 680**), and there were—yeas 93, nays none,

absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Cooper, Foster, Linville, Martin, Walker and Westfall.

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

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

The bill was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken by the calling of the roll (**Roll No. 681**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Cooper, Foster, Martin, Walker and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1003) passed.

At the request of Delegate Summers, and by unanimous consent, the roll call used on passage of the bill was used to make it effective from passage.

On that roll call (**Roll No. 681**), there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Cooper, Foster, Martin, Walker and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the bill (S. B. 1003) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1004 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Education, State Board of Education – State Department of Education, fund 8712, fiscal year 2022, organization 0402; and to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2022, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1004) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken by the calling of the roll (**Roll No. 682**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Cooper, Foster, Martin, Walker and Westfall.

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

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

The bill was then read a third time and then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken by the calling of the roll (**Roll No. 683**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Cooper, Foster, Martin, Walker and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 1004) passed.

At the request of Delegate Summers, and by unanimous consent, the roll call used on passage of the bill was used to make it effective from passage.

On that roll call (**Roll No. 683**), there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Cooper, Foster, Martin, Walker and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the bill (S. B. 1004) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 1007 - “A Bill to amend and reenact Chapter 46, Acts of the Legislature, Regular Session, 2021, as last amended and reenacted by Chapter 147, Acts of the Legislature, Regular Session,

2003, relating to exemptions of property in federal bankruptcy proceedings; allowing a debtor in bankruptcy to use the federal law exemptions under 11 U.S.C. §522(d); and updating the effective date.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 1007) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken by the calling of the roll (**Roll No. 684**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Cooper, Martin, Walker and Westfall.

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

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

The bill was then read a third time.

Delegate Summers asked and obtained unanimous consent that the House suspend Rule 42 that the passage of bills on third reading be done by roll call vote.

There being no objection, the bill was put upon its passage.

The question was put and the bill (S. B. 1007) passed.

At the request of Delegate Summers, and by unanimous consent, the roll call used on the suspension of the constitutional rule was used to make the bill effective from passage.

On that roll call (**Roll No. 684**), there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Cooper, Martin, Walker and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the bill (S. B. 1007) takes effect from its passage.

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

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Cooper, Martin, Walker and Westfall.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had completed the business of this First Extraordinary Session of the 85th Legislature and was ready to adjourn *sine die*.

Whereupon,

The Speaker appointed as members of said committee the following:

Delegates Kessinger, J. Pack and Pethtel.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from its passage, a bill of the House of Delegates as follows:

H. B. 101, Making supplementary appropriation to the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from its passage, a bill of the House of Delegates as follows:

H. B. 102, Supplementing, amending and increasing an existing item to the Department of Transportation.

Committee Reports

In accordance with House Rule 68, Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, filed the following reports with the Clerk:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 8th day of June, 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:

H. B. 101, Making supplementary appropriation to the Division of Highways,

And,

H. B. 102, Supplementing, amending and increasing an existing item to the Department of Transportation.

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 8th day of June, 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:

S. B. 1001, Making supplemental appropriations to DHHR for federal block grant moneys,

S. B. 1002, Making supplemental appropriations to Department of Health and Human Resources,

S. B. 1003, Making supplemental appropriations to State Board of Education,

S. B. 1004, Making supplemental appropriations for fiscal year 2022 to Department of Education,

And,

S. B. 1007, Relating to exemptions of property in federal bankruptcy proceedings.

Messages from the Executive

Subsequent to the adjournment of the session, a communication was received from His Excellency, the Governor, advising that on June 11, 2021, he approved H. B. 101, H. B. 102, S. B. 1001, S. B. 1002, S. B. 1003, S. B. 1004 and S. B. 1007.

Miscellaneous Business

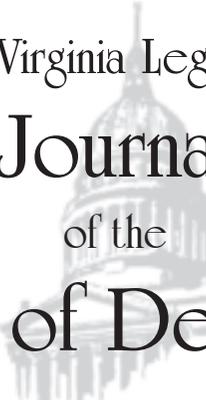
Delegate Rowan, who was appointed to the Committee to inform His Excellency, the Governor, that the Legislature had assembled in extraordinary session, noted to the Clerk that she was absent when the vote was taken to suspend the Constitutional Rule for H. B. 101, and had she been present, she would have voted “Yea” thereon.

At 2:43 p.m., on motion of Delegate Summers, the House of Delegates adjourned *sine die*.

We hereby certify that the forgoing record of the proceedings of the House of Delegates, First Extraordinary Session, 2021, is the Official Journal of the House of Delegates for said session.

Roger Hanshaw
Speaker of the House of Delegates

Stephen J. Harrison
Clerk of the House of Delegates



West Virginia Legislature
Journal
of the
House of Delegates

Eighty-Fifth Legislature
Second Extraordinary Session

Charleston, Thursday, June 24, 2021

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

Pursuant to the Proclamation of His Excellency, the Governor, issued the 18th day of June, 2021, and hereinafter set forth with subsequent amendments, convening the Legislature in Extraordinary Session on the twenty-fourth day of June, 2021, the House of Delegates assembled in its Chamber in the Capitol Building in the City of Charleston at 11:00 a.m., and was called to order by the Speaker, the Honorable Roger Hanshaw.

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

Delegate Summers arose to suggest the absence of a quorum. The Clerk opened the voting machine to determine the presence of a quorum (**Roll No. 685**), and 83 members having registered their presence, the Speaker declared a quorum was present. The absent being as follows:

Absent: Bates, Bridges, Clark, Evans, Ferrell, Griffith, Hamrick, Hornbuckle, Kessinger, Longanacre, Mallow, Martin, Nestor, Pinson, Thompson, Williams and Young.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamations by which it had been called together.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Graves, Gearheart and Boggs.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three, to join with a similar committee on the part of the Senate, to inform His Excellency, the Governor, that the Legislature had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Rowan, Phillips and Lovejoy.

Messages from the Executive

A Proclamation of His Excellency, the Governor, convening the Legislature in extraordinary session, was laid before the House of Delegates and read by the Clerk.

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session at Noon on Thursday, June 24, 2021, in its chambers in the State Capitol, the City of Charleston, for the limited purpose of considering and acting upon only the following matters:

FIRST: To make a supplementary appropriation, in the amount of \$2,000,000, by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Administration, Office of Technology, fund 0204, fiscal year 2021, organization 0231, appropriation 70000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2020, known as the budget bill for the fiscal year ending June 30, 2021; and

SECOND: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2021, organization 0310, appropriation 28800, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021, in the amount of \$42,000,000; and

THIRD: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Homeland Security — Office of the

Secretary, fund 0430, fiscal year 2021, organization 0601, appropriation 93900, in the amount of \$1,200,000; to the Department of Homeland Security, Division of Emergency Management, fund 0443, fiscal year 2021, organization 0606, appropriation 55401, in the amount of \$5,000,000; to the Department of Homeland Security, Division of Emergency Management, fund 0443, fiscal year 2021, organization 0606, appropriation 95101, in the amount of \$795,000; and to the Department of Homeland Security, Division of Corrections and Rehabilitation — Correctional Units, fund 0450, fiscal year 2021, organization 0608, appropriation 13000, in the amount of \$9,400,000; to the Department of Homeland Security, Division of Corrections and Rehabilitation — Correctional Units, fund 0450, fiscal year 2021, organization 0608, appropriation 75500, in the amount of \$22,500,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021; and

FOURTH: To make a supplementary appropriation, in the amount of \$850,000, by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Administration, Division of Personnel, fund 0206, fiscal year 2021, organization 0222, appropriation 70000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2020, known as the budget bill for the fiscal year ending June 30, 2021; and

FIFTH: To make a supplementary appropriation, in the amount of \$30,000,000, by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2021, organization 0307, appropriation 70000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021; and

SIXTH: To make supplementary appropriations, by adding new items of appropriation and increasing the expenditure of

public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Executive, Governor's Office — Civil Contingent Fund, fund 0105, fiscal year 2021, organization 0100, appropriation 61400, in the amount of \$17,250,000; and to the Executive, Governor's Office — Civil Contingent Fund, fund 0105, fiscal year 2021, organization 0100, appropriation 81900, in the amount of \$7,100,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021; and

SEVENTH: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Arts, Culture, and History, Division of Culture and History, fund 0293, fiscal year 2021, organization 0432, appropriation 75500, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021, in the amount of \$2, 100,000; and

EIGHTH: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, State Rail Authority, fund 0506, fiscal year 2021, organization 0804, appropriation 13000, in the amount of \$750,000, and from this increased appropriation for Current Expenses (fund 0506, appropriation 13000), an additional \$750,000 shall be transferred to the State Rail Authority - Commuter Rail Access Fund (fund 8402), by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2020, known as the budget bill for the fiscal year ending June 30, 2021; and

NINETH: To supplement and amend Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill, in Title II, from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by transferring funds from the Department of Education, State Board of Education — State Aid to Schools, fund 0317, fiscal year 2022, organization 0402, appropriation 45300, in the amount of \$24,000,000, to the

Department of Education, State Board of Education — School Construction Fund, fund 3952, appropriation 24000; and

TENTH: To make a supplementary appropriation of public monies out of the Treasury from the balance of monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Education, State Board of Education — School Construction Fund, fund 3952, fiscal year 2022, organization 0404, appropriation 24000, in the amount of \$24,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022; and

ELEVENTH: To supplement and amend by decreasing and increasing existing items of appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2022, organization 0511, appropriation 00201, in the amount of \$41,500; and increasing the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2022, organization 0511, appropriation 45500, to the amount of \$41,500, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022; and

TWELFTH: To supplement and amend by decreasing and increasing existing items of appropriations of public moneys out of the Treasury in the State Fund, General Revenue, from the Department of Homeland Security, Division of Corrections and Rehabilitation — Central Office, fund 0446, fiscal year 2022, organization 0608, appropriation 00100, in the amount of \$200,000; from the Department of Homeland Security, Division of Corrections and Rehabilitation — Correctional Units, fund 0450, fiscal year 2022, organization 0608, appropriation 51400, in the amount of \$75,000; from the Department of Homeland Security, Division of Corrections and Rehabilitation — Correctional Units, fund 0450, fiscal year 2022, organization 0608, appropriation 77400, in the amount of \$75,000; and by increasing an item of appropriation to the Department of Homeland Security, Division of Administrative Services, fund 0619, fiscal year 2022, organization 0623, appropriation 00100, in the amount of

\$350,000, by supplementing and amending appropriations for the fiscal year ending June 30, 2022; and

THIRTEENTH: To make a supplementary appropriation, in the amount of \$750,000, by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to Miscellaneous Boards and Commissions, Water Development Authority, fund 0621, fiscal year 2021, organization 0316, appropriation 70000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2020, known as the budget bill for the fiscal year ending June 30, 2021; and

FOURTEENTH: To make a supplementary appropriation, in the amount of \$5,000,000, by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Commerce, West Virginia Tourism Office, fund 0246, fiscal year 2021, organization 0304, appropriation 11601, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021; and

FIFTEENTH: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Revenue, Tax Division, fund 0470, fiscal year 2021, organization 0702, appropriation 75500, in the amount of \$2,000,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021; and

SIXTEENTH: To make a supplementary appropriation, in the amount of 50,000,000, by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Revenue, Office of the Secretary, fund 0465, fiscal year 2021, organization 0701, appropriation 59000, by supplementing and

amending the appropriations for the fiscal year ending June 30, 2021; and

SEVENTEENTH: To make a supplementary appropriation by adding new items and increasing existing items for expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to Executive, Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2021, organization 0100, appropriation 75701, in the amount of \$17,500,000; to the Department of Commerce, West Virginia Tourism Office, fund 0246, fiscal year 2021, organization 0304, appropriation 61803, in the amount of \$7,000,000; to the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2021, organization 0307, appropriation 70000, in the amount of \$1,000,000; to the West Virginia Council for Community and Technical College Education, West Virginia Council for Community and Technical College Education — Control Account, fund 0596, fiscal year 2021, organization 0420, appropriation 39200, in the amount of \$3,000,000; to the West Virginia Council for Community and Technical College Education, Mountwest Community and Technical College, fund 0599, fiscal year 2021, organization 0444, appropriation 99900, in the amount of \$97,340; to the West Virginia Council for Community and Technical College Education, New River Community and Technical College, fund 0600, fiscal year 2021, organization 0445, appropriation 99900, in the amount of \$87,973; to the West Virginia Council for Community and Technical College Education, Blue Ridge Community and Technical College, fund 0601, fiscal year 2021, organization 0447, appropriation 99900, in the amount of \$117,463; to the West Virginia Council for Community and Technical College Education, West Virginia University at Parkersburg, fund 0351, fiscal year 2021, organization 0464, appropriation 99900, in the amount of \$154,789; to the West Virginia Council for Community and Technical College Education, Southern West Virginia Community and Technical College, fund 0380, fiscal year 2021, organization 0487, appropriation 99900, in the amount of \$123,627; to the West Virginia Council for Community and Technical College

Education, West Virginia Northern Community and Technical College, fund 0383, fiscal year 2021, organization 0489, appropriation 99900, in the amount of \$109,287; to the West Virginia Council for Community and Technical College Education, Eastern West Virginia Community and Technical College, fund 0587, fiscal year 2021, organization 0492, appropriation 99900, in the amount of \$32,699; to the West Virginia Council for Community and Technical College Education, BridgeValley Community and Technical College, fund 0618, fiscal year 2021, organization 0493, appropriation 99900, in the amount of \$121,482; to the Higher Education Policy Commission, Higher Education Policy Commission — Administration — Control Account, fund 0589, fiscal year 2021, organization 0441, appropriation XXXXX, in the amount of \$ 1 to the Higher Education Policy Commission, West Virginia University — School of Medicine, Medical School Fund, fund 0343, fiscal year 2021, organization 0463, appropriation 99900, in the amount of \$293,677; to the Higher Education Policy Commission, West Virginia University — General Administrative Fund, fund 0344, fiscal year 2021, organization 0463, appropriation 99900, in the amount of \$16,600,000; to the Higher Education Policy Commission, Marshall University — School of Medicine, fund 0347, fiscal year 2021, organization 0471, appropriation 99900, in the amount of \$ 183,526; to the Higher Education Policy Commission, Marshall University — General Administration Fund, fund 0348, fiscal year 2021, organization 0471, appropriation 99900, in the amount of \$9,700,000; to the Higher Education Policy Commission, West Virginia School of Osteopathic Medicine, fund 0336, fiscal year 2021, organization 0476, appropriation 99900, in the amount of \$133,189; to the Higher Education Policy Commission, Bluefield State College, fund 0354, fiscal year 2021, organization 0482, appropriation 99900, in the amount of \$95,748; to the Higher Education Policy Commission, Concord University, fund 0357, fiscal year 2021, organization 0483, appropriation 99900, in the amount of \$157,146; to the Higher Education Policy Commission, Glenville State College, fund 0363, fiscal year 2021, organization 0485, appropriation 99900, in the amount of \$96,704; to the Higher Education Policy Commission, Shepherd University, fund 0366,

fiscal year 2021, organization 0486, appropriation 99900, in the amount of \$190,257; to the Higher Education Policy Commission, West Liberty University, fund 0370, fiscal year 2021, organization 0488, appropriation 99900, in the amount of \$ 136,540; and to the Higher Education Policy Commission, West Virginia State University, fund 0373, fiscal year 2021, organization 0490, appropriation 99900, in the amount of \$170,138, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021; and

EIGHTEENTH: To supplement and amend Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill, by supplementing and amending appropriations in Title II, section 9, for the fiscal year ending June 30, 2022, by reducing all appropriations from general revenue fund surplus accrued to \$0; and

NINETEENTH: To make a supplementary appropriation of public monies out of the Treasury from the balance of monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Administration, Office of Technology — Chief Technology Officer Administration Fund, fund 2531, fiscal year 2022, organization 0231, appropriation 13000, in the amount of \$2,000,000; and to the Department of Transportation, State Rail Authority — West Virginia Commuter Rail Access Fund, fund 8402, fiscal year 2022, organization 0804, appropriation 13000, in the amount of \$750,000, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022; and

TWENTIETH: To amend and reenact §60-3A-18 of the Code of West Virginia, 1931, as amended, relating to altering the time frame which retail liquor licensees may sell liquors; and

TWENTY-FIRST: To authorize and appropriate public funds sufficient to pay for the Extraordinary Session.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Eighteenth day of June, in the year of our Lord, Two Thousand Twenty-One, and in the One Hundred Fifty-Eighth year of the State.

Jim Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State.

Messages from the Senate

A message from the Senate, by Senator Grady, on behalf of the committee from the Senate, announced that the Senate had assembled with a quorum present, and was ready to proceed with the business of this session.

Messages from the Executive

Subsequent Proclamations of His Excellency, the Governor, amending the Proclamation convening the Legislature in extraordinary session, were laid before the House of Delegates and read by the Clerk.

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby **AMEND** the proclamation dated June 18, 2021 calling the West Virginia Legislature to convene in Extraordinary

Session on Thursday, June 24, 2021, in its chambers in the State Capitol, the City of Charleston, as follows:

1. By amending the time for the Legislature to convene on Thursday, June 24, 2021, from Noon to 11 AM; and
2. By adding items twenty-two, twenty-three, and twenty-four, as follows:

TWENTY-SECOND: to expire existing items of appropriation from the West Virginia Development Office, fund 0256, fiscal year 2001, fiscal year 2002, fiscal year 2003, fiscal year 2005, fiscal year 2006, fiscal year 2008, fiscal year 2010, fiscal year 2011, fiscal year 2012, fiscal year 2013, fiscal year 2014 and fiscal year 2015, organization 0307, appropriation 81900 and from the West Virginia Development Office, fund 0256, fiscal year 2007 and fiscal year 2008, organization 0307, appropriation 48000, the existing balances of which exceed those which are necessary for the purposes for which such accounts were established to the surplus balance of General Revenue and increase an existing item or items of appropriation in the civil contingent fund for the fiscal year 2021 from the surplus balance of General Revenue; and

TWENTY-THIRD: to expire existing items of appropriation from Lottery Funds, State Board of Education, fund 3951, fiscal year 2007 and fiscal year 2008, organization 0402, appropriation 09900; State Board of Education, fund 3951, fiscal year 2015, organization 0402, appropriation 13000; Bureau of Senior Services — Lottery Senior Citizens Fund, fund 5405, fiscal year 2010, fiscal year 2011, fiscal year 2012, fiscal year 2013, fiscal year 2014 and fiscal year 2015, organization 0508, appropriation 46200; and Library Commission — Lottery Education Fund, fund 3559, fiscal year 2011, fiscal year 2012 and fiscal year 2013, organization 0433, appropriation 26500, the existing balances of which exceed those which are necessary for the purposes for which such accounts were established, to the surplus balance of General Revenue and increase an existing item or items of appropriation in the civil contingent fund for the fiscal year 2021 from the surplus balance of General Revenue; and

TWENTY-FOURTH:to extend the expiration date of the freeze of the cost per day for each incarcerated inmate paid by a county, or municipality if the incarceration is a municipal violation, otherwise known as the per diem rate, from July 1, 2021, to July 1, 2022, and to clarify that the per diem cost for incarcerated inmates in a regional jail is calculated annually and from the previous three fiscal years of actual costs.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Twenty-Second day of June, in the year of our Lord, Two Thousand Twenty-One, and in the One Hundred Fifty-Ninth year of the State.

Jim Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State.

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby **AMEND** the proclamation dated June 18, 2021, as amended, calling the West Virginia Legislature to convene in Extraordinary Session on Thursday, June 24, 2021, in its chambers in the State Capitol, the City of Charleston, as follows:

1. By deleting item twenty-three in its entirety and replacing it with the following:

TWENTY-THIRD: To expire existing items of appropriation from Lottery Funds, State Board of Education, fund 3951, fiscal year 2007, fiscal year 2008, fiscal year 2009, fiscal year 2011 and fiscal year 2012, organization 0402, appropriation 09900 and State Board of Education, fund 3951, fiscal year 2014 and fiscal year 2015, organization 0402, appropriation 13000; Bureau of Senior Services Lottery Senior Citizens Fund, fund 5405, fiscal year 2010, fiscal year 2011, fiscal year 2012, fiscal year 2013, fiscal year 2014 and fiscal year 2015, organization 0508, appropriation 46200; and Library Commission — Lottery Education Fund, fund 3559, fiscal year 2011, fiscal year 2012 and fiscal year 2013, organization 0433, appropriation 62500, the existing balances of which exceed those which are necessary for the purposes for which such accounts were established, to the surplus balance of General Revenue and increase an existing item or items of appropriation in the civil contingent fund for the fiscal year 2021; and

2. By adding items twenty-five, twenty-six, twenty-seven, and twenty-eight, as follows:

TWENTY-FIFTH: To supplement and amend Chapter 11, Acts of the Legislature, Regular Session, 2021 , known as the budget bill, in Title II, from the appropriation of public monies out of the Treasury from the balance of monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Lottery Commission, Operating and Expense Fund, fund 7200, fiscal year 2022, organization 0705, the amount of \$15,100,396 to appropriation 00100, the amount of \$154,000 to appropriation 00201, the amount of \$642,869 to appropriation 09900, the amount of \$44,764,722 to appropriation 13000, the amount of \$540,000 to appropriation 06400, the amount of \$100,000 to appropriation 07000, the amount of \$250,000 to appropriation 25800, the amount of \$2,735,000 to appropriation 69000, totaling \$64,286,987, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022; and

TWENTY-SIXTH: To supplement and amend by increasing an existing appropriation of federal funds out of the Treasury to the Miscellaneous Boards and Commissions, National Coal Heritage Authority, fund 8869, fiscal year 2022, organization 0941, appropriation 00100, in the amount of \$25,000, by supplementing and amending an appropriation for the fiscal year ending June 30, 2022; and

TWENTY-SEVENTH: To request the President of the United States to designate a single state funeral to be held upon the death of the last living Medal of Honor recipient from World War II, and/or other foreign conflicts; and

TWENTY-EIGHTH: To urge the federal government to take action to reauthorize coal mine reclamation programs and allocate necessary funding to the State of West Virginia.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Twenty-Third day of June, in the year of our Lord, Two Thousand Twenty-One, and in the One Hundred Fifty-Ninth year of the State.

Jim Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State.

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby AMEND the proclamation dated June 18, 2021, as amended, calling the West Virginia Legislature to convene in Extraordinary Session on Thursday, June 24, 2021, in its chambers in the State Capitol, the City of Charleston, by deleting therefrom item twenty-five, relating to appropriations of public monies out of the Treasury from the balance of monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Lottery Commission, Operating and Expense Fund, fund 7200, fiscal year 2022, organization 0705.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Twenty-Fourth day of June, in the year of our Lord, Two Thousand Twenty-One, and in the One Hundred Fifty-Ninth year of the State.

Jim Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State.

The following communication was laid before the House of Delegates and reported by the Clerk:

STATE OF WEST VIRGINIA
Jim Justice
Governor of West Virginia

June 24, 2021

**HOUSE EXECUTIVE MESSAGE NO. 1
2021 2nd EXTRAORDINARY SESSION**

The Honorable Roger Hanshaw
Speaker, West Virginia House of Delegates
Building 1, Room M-228
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Speaker Hanshaw:

The following amends and replaces the “FY 2021 Official Estimate General Revenue – Statement of Revenues by Source” which I submitted as revised to you on June 7, 2021 for the fiscal year ending June 30, 2021:

General Revenue Fund
Statement of Revenues by Source
(Expressed in Thousands)

<u>Source of Revenue</u>	<u>Estimate Revised</u>	FY 2021 Official
Business and Occupation Tax	\$ 131,900	
Consumers Sales and Use Tax	1,521,300	
Personal Income Tax ¹	2,255,650	
Liquor Profit Transfers	23,000	
Beer Tax and Licenses	7,550	
Tobacco Products Tax (Cigarette & Other) ¹	168,400	
Business Franchise Fees	700	
Property Transfer Tax	15,300	
Property Tax ¹	7,600	
Insurance Tax	131,300	
Departmental Collections	24,200	
Corporate Income/Business Franchise Tax ¹	309,500	
Miscellaneous Transfers	2,000	
Interest Income	14,664	

Severance Tax ¹	272,950
Miscellaneous Receipts	11,000
HB102 - Lottery Transfers	65,000
Special Revenue Transfer	10,000
Senior Citizen Tax Credit Reimbursement	10,000
Total	<u>\$ 4,982,014</u>

¹Business and Occupation Tax estimate increased by \$5 million to account for reduced investment tax credit claims in FY 2021. Consumer Sales and Service Tax and Use Tax estimate increased by \$99.5 million to reflect strong growth in consumer spending partially associated with significant federal fiscal stimulus payments. Tobacco Products Tax estimate increased by \$13 million to reflect higher than normal sales during the Pandemic. Property Transfer Tax estimate increased by \$3 million to reflect higher than expected real estate transfers this fiscal year. Corporation Net Income Tax estimate increased by \$115 million to reflect higher than anticipated business profits and some carryover of revenue collections from last year to this year due to one-time delay in tax due dates. Severance Tax estimate increased by \$22 million to reflect strong recovery in mineral commodity process and a rebound in coal production during second half of this year.

The following amends and replaces the “General Revenue Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance” which I submitted as revised to you on June 7, 2021 for the fiscal year ending June 30, 2022:

General Revenue Fund
Statement of Revenues, Expenditures, and Changes in Cash
Balance
(Nearest Dollar)

Actual Beginning Cash Balance	
July 1, 2020	\$454,485,510
Less: 31 Day Disbursements	
(July 1, 2020 - July 31, 2020)	(55,976,092)
Plus: Prior Year Reimbursements	
(July 1, 2020 - July 31, 2020)	1,842
Less: Prior Year	
Appropriations Forwarded	(370,172,328)

2021]

HOUSE OF DELEGATES

4439

Less:	Cash Balance – Adjustments and Accruals	<u>(259,245)</u>
	Accumulated Surplus from FY 2020 @ July 31, 2020	\$28,079,687
Less:	Transfer to Revenue Shortfall	
	Reserve Fund (Statutory)	(14,039,843)
Less:	Transfer to FY 2020 Surplus Appropriation in FY 2021 Budget Bill (Milton Flood Wall)	(6,000,000)
Plus:	FY 2021 Surplus Supplemental Appropriation - (HB 2788) Expiration of State Excess Lottery Funds to General Revenue Surplus (2020 Regular Session)	6,497,548
Plus:	FY 2021 Surplus Supplemental Appropriation - (HB 2804) Expiration from Special Revenues Funds to General Revenue Surplus	15,500,000
Plus:	FY 2021 Surplus Supplemental Appropriations - (HB 3297) Expiration from Veterans' Prior Year Reappropriation to General Revenue Surplus	550,000
Less:	FY 2021 Surplus Supplemental Appropriations - (HB 2789 Public Defender) (2021 Regular Session)	(20,000,000)
Less:	FY 2021 Surplus Supplemental Appropriations - (HB 2803 Forestry) (2021 Regular Session)	(1,000,000)
Less:	FY 2021 Surplus Supplemental Appropriations - (HB 2802 Division of Emergency Management) (2021 Regular Session)	(650,000)

Less: FY 2021 Surplus Supplemental Appropriations - (HB 2895 Veterans' Nursing Home) (2021 Regular Session)	(8,500,000)
Less: FY 2021 Surplus Supplemental Appropriations - (HB 3297 Veterans' Nursing Home) (2021 Regular Session)	(550,000)
Less: Prior Year Reimbursements and Adjustments (August 1, 2020 – May 31, 2021)	<u>159,151</u>
Estimated Unappropriated Surplus Balance @ June 30, 2021	\$ 46,543
Plus: FY 2021 Revenue Estimate as revised	\$4,982,014,000
Less: FY 2021 Appropriations (FY 2021 Budget Bill) (2020 Regular Session)	(4,574,513,367)
Less: FY 2021 1 st Extraordinary Session: Supplemental Appropriations to Highways from General Revenue Unappropriated Balance	(150,000,000)
Less: FY 2021 2 nd Extraordinary Session: Recommended Supplemental Appropriation – Commuter Rail	(750,000)
Less: FY 2021 2 nd Extraordinary Session Recommended Supplemental Appropriation – Water Development Authority	(750,000)
Less: FY 2021 2 nd Extraordinary Session: Recommended Supplemental Appropriation – Division of Personnel	(850,000)

Less:	FY 2021 2 nd Extraordinary Session: Recommended Supplemental Appropriation – Office of Technology	(2,000,000)
Less:	FY 2021 2 nd Extraordinary Session: Recommended Supplemental Appropriation – Tax Division	(2,000,000)
Less:	FY 2021 2 nd Extraordinary Session: Recommended Supplemental Appropriation – Arts, Culture, and History	(2,100,000)
Less:	FY 2021 2 nd Extraordinary Session: Recommended Supplemental Appropriation – Tourism	(5,000,000)
Less:	FY 2021 2 nd Extraordinary Session: Recommended Supplemental Appropriation – Civil Contingent Fund and Local Economic Development	(24,350,000)
Less:	FY 2021 2 nd Extraordinary Session: Recommended Supplemental Appropriation – Closure Fund	(30,000,000)
Less:	FY 2021 2 nd Extraordinary Session: Recommended Supplemental Appropriation – Homeland Security	(38,895,000)
Less:	FY 2021 2 nd Extraordinary Session: Recommended Supplemental Appropriation – State Parks	(42,000,000)
Less:	FY 2021 2 nd Extraordinary Session: Recommended Supplemental Appropriation – Rainy Day Fund	(50,000,000)

Less: FY 2021 2 nd Extraordinary Session: Recommended Supplemental Appropriation – FY 2022 Surplus Section moved to FY 2021	<u>(58,701,585)</u>
Total Estimated Unappropriated Balance @ June 30, 2021	<u>\$ 104,048</u>
Plus: FY 2022 Revenue Estimate	\$4,569,616,000
Less: FY 2022 Appropriations (FY 2022 Budget Bill) (2021 Regular Session)	<u>(4,495,032,115)</u>
Estimated Unappropriated Balance from FY 2022 Activity @ June 30, 2022	<u>\$74,583,885</u>
Total Estimated Unappropriated Balance @ June 30, 2022	<u>\$74,734,476</u>

Thank you for your cooperation in this matter.

Sincerely,

Jim Justice
Governor

Resolutions Introduced

Delegates Linville and J. Pack offered the following resolution, which was reported by the Clerk as follows:

H. C. R. 201 - “Requesting the President of the United States to designate a single state funeral to be held upon the death of the last living Medal of Honor recipient from World War II.”

Whereas, Only 473 Americans were awarded the Congressional Medal of Honor, the nation’s highest decoration of valor during World War II, and, as of today, only one of those Americans, West Virginia’s own son, Hershel “Woody” Williams, remains alive; and

Whereas, The time is approaching for a final salute to the Medal of Honor recipients from World War II; and

Whereas, A single state funeral to be held upon the death of the last living Medal of Honor recipient from World War II would be the perfect vehicle to do so, and it would also provide national recognition to honor all 16 million soldiers, sailors and airmen who served in our armed forces from 1941 to 1945; and

Whereas, General Douglas MacArthur, Supreme Allied Commander in the Pacific theatre, and General Dwight Eisenhower, Supreme Allied Commander of the European theatre, were each honored by the nation with state funerals; and

Whereas, The selfless, brave men and women who served under them deserve the honor of special recognition at a state funeral to be held upon the death of the last living Medal of Honor recipient from World War II; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia Senate and West Virginia House of Delegates hereby request the President of the United States to designate a single state funeral to be held upon the death of the last living Medal of Honor recipient from World War II; and, be it

Further Resolved, That the West Virginia Senate and West Virginia House of Delegates hereby request the President of the United States to designate a single state funeral to be held upon the death of the last living Medal of Honor recipient from each succeeding American war, that the memory of their deeds may be perpetuated; and, be it

Further Resolved, That the Clerk of the House of Delegates and Clerk of the Senate forward a copy of this resolution to the President of the United States, the Clerk of the United States Senate, the Clerk of the United States House of Representatives, all members of West Virginia's Congressional delegation, and the Governor of West Virginia.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. C. R. 201) to a committee was dispensed with, and it was taken up for immediate consideration.

The yeas and nays were demanded, which demand was sustained.

The resolution was then put upon its adoption.

The yeas and nays having been ordered, they were taken (**Roll No. 686**), and there were--yeas 88, nays none, absent and not voting 12, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Bridges, Clark, Evans, Ferrell, Griffith, Hornbuckle, Mallow, Nestor, Pinson, Williams and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (H. C. R. 201) adopted.

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

In the absence of objection, the Speaker announced that all Members present would be added as sponsors of H. C. R. 201.

Bills Introduced

Pursuant to House Rule 92, the following bills were introduced, and severally referred as follows:

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

H. B. 201 - "A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Administration, Office of

Technology, fund 0204, fiscal year 2021, organization 0231, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2020, known as the budget bill for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 202 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2021, organization 0310, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 203 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Homeland Security – Office of the Secretary, fund 0430, fiscal year 2021, organization 0601; to the Department of Homeland Security, Division of Emergency Management, fund 0443, fiscal year 2021, organization 0606; and to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2021, organization 0608, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 204 - “A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Administration, Division of Personnel, fund 0206, fiscal year 2021, organization 0222, by supplementing and amending Chapter 11, Acts of the Legislature,

Regular Session, 2020, known as the budget bill for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 205 - “A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2021, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 206 - “A Bill making a supplementary appropriation by adding new items of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Executive, Governor’s Office – Civil Contingent Fund, fund 0105, fiscal year 2021, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 207 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Arts, Culture, and History, Division of Culture and History, fund 0293, fiscal year 2021, organization 0432, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 208 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the

balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, State Rail Authority, fund 0506, fiscal year 2021, organization 0804, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2020, known as the budget bill for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 209 - “A Bill supplementing and amending Chapter eleven, Acts of the Legislature, Regular Session, 2021, known as the budget bill, in Title II, from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Education, State Board of Education – State Aid to Schools, fund 0317, fiscal year 2022, organization 0402 by supplementing and amending the appropriations for the fiscal year ending June 30, 2022; therefore”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 210 - “A Bill making a supplementary appropriation of public monies out of the Treasury from the balance of monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Education, State Board of Education – School Construction Fund, fund 3952, fiscal year 2022, organization 0404, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 211 - “A Bill supplementing and amending by decreasing and increasing existing items of appropriations of public moneys out of the Treasury in the State Fund, General Revenue, from the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2022, organization 0511 by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; to the Committee on Finance.

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

H. B. 212 - “A Bill supplementing and amending by decreasing and increasing existing items of appropriations of public moneys out of the Treasury in the State Fund, General Revenue, from the Department of Homeland Security, Division of Corrections and Rehabilitation – Central Office, fund 0446, fiscal year 2022, organization 0608; from the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2022, organization 0608; and to the Department of Homeland Security, Division of Administrative Services, fund 0619, fiscal year 2022, organization 0623, by supplementing and amending appropriations for the fiscal year ending June 30, 2022”; to the Committee on Finance.

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

H. B. 213 - “A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to Miscellaneous Boards and Commissions, Water Development Authority, fund 0621, fiscal year 2021, organization 0316, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2020, known as the budget bill for the fiscal year ending June 30, 2021”; to the Committee on Finance.

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

H. B. 214 - “A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Commerce, West Virginia Tourism Office, fund 0246, fiscal year 2021, organization 0304, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

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

H. B. 215 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Revenue, Tax Division, fund 0470, fiscal year 2021, organization 0702, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

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

H. B. 216 - “A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Revenue, Office of the Secretary, fund 0465, fiscal year 2021, organization 0701, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

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

H. B. 217 - “A Bill making a supplementary appropriation by adding new items and increasing existing items for expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to Executive, Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2021, organization 0100; to the Department of Commerce, West Virginia Tourism Office, fund 0246, fiscal year 2021, organization 0304; to the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2021, organization 0307; to the West Virginia Council for Community and Technical College Education, West Virginia Council for Community and Technical College Education – Control Account, fund 0596, fiscal year 2021, organization 0420; to the West Virginia Council for Community and Technical College Education, Mountwest Community and Technical College, fund 0599, fiscal year 2021, organization 0444; to the West Virginia Council for Community and Technical College Education, New

River Community and Technical College, fund 0600, fiscal year 2021, organization 0445; to the West Virginia Council for Community and Technical College Education, Blue Ridge Community and Technical College, fund 0601, fiscal year 2021, organization 0447; to the West Virginia Council for Community and Technical College Education, West Virginia University at Parkersburg, fund 0351, fiscal year 2021, organization 0464; to the West Virginia Council for Community and Technical College Education, Southern West Virginia Community and Technical College, fund 0380, fiscal year 2021, organization 0487; to the West Virginia Council for Community and Technical College Education, West Virginia Northern Community and Technical College, fund 0383, fiscal year 2021, organization 0489; to the West Virginia Council for Community and Technical College Education, Eastern West Virginia Community and Technical College, fund 0587, fiscal year 2021, organization 0492; to the West Virginia Council for Community and Technical College Education, BridgeValley Community and Technical College, fund 0618, fiscal year 2021, organization 0493; to the Higher Education Policy Commission, Higher Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2021, organization 0441; to the Higher Education Policy Commission, West Virginia University – School of Medicine, Medical School Fund, fund 0343, fiscal year 2021, organization 0463; to the Higher Education Policy Commission, West Virginia University – General Administrative Fund, fund 0344, fiscal year 2021, organization 0463; to the Higher Education Policy Commission, Marshall University – School of Medicine, fund 0347, fiscal year 2021, organization 0471; to the Higher Education Policy Commission, Marshall University – General Administration Fund, fund 0348, fiscal year 2021, organization 0471; to the Higher Education Policy Commission, West Virginia School of Osteopathic Medicine, fund 0336, fiscal year 2021, organization 0476; to the Higher Education Policy Commission, Bluefield State College, fund 0354, fiscal year 2021, organization 0482; to the Higher Education Policy Commission, Concord University, fund 0357, fiscal year 2021, organization 0483; to the Higher Education Policy Commission, Glenville State College, fund 0363, fiscal year 2021, organization 0485; to the Higher Education Policy Commission, Shepherd University, fund 0366, fiscal year 2021, organization 0486; to the

Higher Education Policy Commission, West Liberty University, fund 0370, fiscal year 2021, organization 0488; and to the Higher Education Policy Commission, West Virginia State University, fund 0373, fiscal year 2021, organization 0490 by supplementing and amending the appropriations for the fiscal year ending June 30, 2021”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 218 - “A Bill supplementing and amending chapter eleven, Acts of the Legislature, Regular Session, 2021, known as the budget bill, supplementing and amending appropriations in Title II, section 9 for the fiscal year ending June 30, 2022”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 219 - “A Bill making a supplementary appropriation of public monies out of the Treasury from the balance of monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund, fund 2531, fiscal year 2022, organization 0231 and to the Department of Transportation, State Rail Authority – West Virginia Commuter Rail Access Fund, fund 8402, fiscal year 2022, organization 0804 by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 220 - “A Bill to amend and reenact §60-3A-18 of the Code of West Virginia, 1931, as amended, relating to altering the time frame which retail liquor licensees may sell liquors”; to the Committee on the Judiciary.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 221 - “A Bill expiring funds to the unappropriated surplus balance of the Treasury in the State Fund, General Revenue, for the fiscal year ending June 30, 2021, in the amount of \$4,514.05 from the Bureau of Senior Services, fund 5405, fiscal

year 2010, organization 0508, appropriation 46200; in the amount of \$7,668.74 from the Bureau of Senior Services, fund 5405, fiscal year 2011, organization 0508, appropriation 46200; in the amount of \$13,712.89 from the Bureau of Senior Services, fund 5405, fiscal year 2012, organization 0508, appropriation 46200; in the amount of \$4,544.37 from the Bureau of Senior Services, fund 5405, fiscal year 2013, organization 0508, appropriation 46200; in the amount of \$50,667.70 from the Bureau of Senior Services, fund 5405, fiscal year 2014, organization 0508, appropriation 46200; in the amount of \$512,256.00 from the Bureau of Senior Services, fund 5405, fiscal year 2015, organization 0508, appropriation 46200; in the amount of \$18,982.00 from the Library Commission - Lottery Education Fund, fund 3559, fiscal year 2011, organization 0433, appropriation 62500; in the amount of \$17,999.00 from the Library Commission - Lottery Education Fund, fund 3559, fiscal year 2012, organization 0433, appropriation 62500; in the amount of \$337,252.00 from the Library Commission - Lottery Education Fund, fund 3559, fiscal year 2013, organization 0433, appropriation 62500; in the amount of \$83,183.47 from the State Board of Education, fund 3951, fiscal year 2007, organization 0402, appropriation 09900; in the amount of \$158,044.00 from the State Board of Education, fund 3951, fiscal year 2008, organization 0402, appropriation 09900; in the amount of \$63,654 from the State Board of Education, fund 3951, fiscal year 2009, organization 0402, appropriation 09900; in the amount of \$15,975.00 from the State Board of Education, fund 3951, fiscal year 2011, organization 0402, appropriation 09900; in the amount of \$387,842.08 from the State Board of Education, fund 3951, fiscal year 2012, organization 0402, appropriation 09900; in the amount of \$303,375.00 from the State Board of Education, fund 3951, fiscal year 2014, organization 0402, appropriation 13000 ;and, in the amount of \$1,268,175.00 from the State Board of Education, fund 3951, fiscal year 2015, organization 0402, appropriation 13000”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 222 - “A Bill expiring funds to the unappropriated surplus balance of the Treasury in the State Fund, General Revenue, by decreasing existing items of appropriation in the

amount of \$397,450.00 from the Department of Economic Development, fund 0256, fiscal year 2007, organization 0307, appropriation 48000; in the amount of \$305,500.00 from the Department of Economic Development, fund 0256, fiscal year 2008, organization 0307, appropriation 48000; in the amount of \$136.61 from the Department of Economic Development, fund 0256, fiscal year, 2001, organization 0307, appropriation 81900; in the amount of \$3,725.24 from the Department of Economic Development, fund 0256, fiscal year 2002, organization 0307, appropriation 81900; in the amount of \$2,420.04 from the Department of Economic Development, fund 0256, fiscal year 2003, organization 0307, appropriation 81900; in the amount of \$6,488.43 from the Department of Economic Development, fund 0256, fiscal year 2005, organization 0307, appropriation 81900; in the amount of \$6,518.25.00 from the Department of Economic Development, fund 0256, fiscal year 2006, organization 0307, appropriation 81900; in the amount of \$2,068.61 from the Department of Economic Development, , fund 0256, fiscal year 2008, organization 0307, appropriation 81900; in the amount of \$243,027.46 from the Department of Economic Development, fund 0256, fiscal year 2010, organization 0307, appropriation 81900; in the amount of \$93,244.87 from the Department of Economic Development, fund 0256, fiscal year 2011, organization 0307, appropriation 81900; in the amount of \$33,002.10 from the Department of Economic Development, fund 0256, fiscal year 2012, organization 0307, appropriation 81900; in the amount of \$86,438.58 from the Department of Economic Development, , fund 0256, fiscal year 2013, organization 0307, appropriation 81900; in the amount of \$23,878.68 from the Department of Economic Development, fund 0256, fiscal year 2014, organization 0307, appropriation 81900; and in the amount of \$199,262.69 from the Department of Economic Development, fund 0256, fiscal year 2015, organization 0307, appropriation 81900”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 223 - “A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to extending the

expiration date of the freeze of the per diem rate to July 1, 2022; and clarifying that the per diem cost for incarcerated inmates in a regional jail is calculated annually and from the previous three fiscal years of actual costs”; to the Committee on Finance.

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

H. B. 224 - “A Bill supplementing and amending by increasing an existing appropriation of federal funds out of the Treasury to the Miscellaneous Boards and Commissions, National Coal Heritage Authority, fund 8869, fiscal year 2022, organization 0941, by supplementing and amending an appropriation for the fiscal year ending June 30, 2022”; to the Committee on Finance.

At 12:05 p.m., the House of Delegates recessed until 3:00 p.m.

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Evening Session

* * * * *

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Messages from the Senate

A message from the Senate, by

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

S. B. 2002 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2021, organization 0310, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2002) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 687**), and there were--yeas 76, nays 7, absent and not voting 17, with the nays and the absent and not voting being as follows:

Nays: Bruce, Conley, Gearheart, J. Jeffries, Kimes, Martin and Paynter.

Absent and Not Voting: Barnhart, Bates, Bridges, Clark, Cooper, Evans, Ferrell, Fleischauer, Forsht, Griffith, Mallow, Pinson, Rohrbach, Rowe, Storch, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 688**), and there were--yeas 69, nays 16, absent and not voting 15, with the nays and the absent and not voting being as follows:

Nays: Conley, Dean, Foster, Gearheart, Graves, J. Jeffries, Kimble, Kimes, Longanacre, Mandt, Martin, Paynter, Pritt, Smith, B. Ward and Worrell.

Absent and Not Voting: Bates, Bridges, Clark, Cooper, Evans, Ferrell, Fleischauer, Forsht, Griffith, Mallow, Pinson, Rowe, Storch, Williams and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2002) passed.

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

On this question, the yeas and nays were taken (**Roll No. 689**), and there were--yeas 73, nays 12, absent and not voting 15, with the nays and the absent and not voting being as follows:

Nays: Conley, Foster, Gearheart, J. Jeffries, Kimes, Longanacre, Mandt, Martin, Paynter, Pritt, B. Ward and Worrell.

Absent and Not Voting: Bates, Bridges, Clark, Cooper, Evans, Ferrell, Fleischauer, Forsht, Griffith, Mallow, Pinson, Rowe, Storch, Williams and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2002) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 2003 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Homeland Security – Office of the Secretary, fund 0430, fiscal year 2021, organization 0601; to the Department of Homeland Security, Division of Emergency Management, fund 0443, fiscal year 2021, organization 0606; and to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2021, organization 0608, by supplementing

and amending the appropriations for the fiscal year ending June 30, 2021.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2003) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 690**), and there were--yeas 81, nays 5, absent and not voting 14, with the nays and the absent and not voting being as follows:

Nays: Gearheart, Graves, Kimes, Pritt and B. Ward.

Absent and Not Voting: Bates, Bridges, Clark, Cooper, Evans, Ferrell, Forsht, Griffith, Mallow, Pinson, Rowe, Storch, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 691**), and there were--yeas 77, nays 9, absent and not voting 14, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Conley, Foster, Gearheart, Graves, Kimes, Paynter, Pritt and B. Ward.

Absent and Not Voting: Bates, Bridges, Clark, Cooper, Evans, Ferrell, Forsht, Griffith, Mallow, Pinson, Rowe, Storch, Williams and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2003) passed.

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

On this question, the yeas and nays were taken (**Roll No. 692**), and there were--yeas 79, nays 7, absent and not voting 14, with the yeas and the absent and not voting being as follows:

Nays: Conley, Foster, Gearheart, Kimes, Paynter, Pritt and B. Ward.

Absent and Not Voting: Bates, Bridges, Clark, Cooper, Evans, Ferrell, Forsht, Griffith, Mallow, Pinson, Rowe, Storch, Williams and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2003) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 2005 - "A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2021, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2005) to a

committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 693**), and there were--yeas 77, nays 9, absent and not voting 14, with the yeas and the absent and not voting being as follows:

Nays: Gearheart, J. Jeffries, Kimes, McGeehan, Paynter, Phillips, Pritt, Toney and B. Ward.

Absent and Not Voting: Bates, Bridges, Clark, Cooper, Evans, Ferrell, Forsht, Griffith, Mallow, Pinson, Rowe, Storch, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 694**), and there were--yeas 74, nays 12, absent and not voting 14, with the yeas and the absent and not voting being as follows:

Nays: Burkhammer, Conley, Dean, Gearheart, J. Jeffries, Kimble, Kimes, Longanacre, McGeehan, Paynter, Phillips and Worrell.

Absent and Not Voting: Bates, Bridges, Clark, Cooper, Evans, Ferrell, Fleischauer, Griffith, Hanna, Mallow, Pinson, Rowe, Williams and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2005) passed.

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

On this question, the yeas and nays were taken (**Roll No. 695**), and there were--yeas 78, nays 9, absent and not voting 13, with the nays and the absent and not voting being as follows:

Nays: Conley, Gearheart, J. Jeffries, Kimble, Kimes, Longanacre, McGeehan, Phillips and Worrell.

Absent and Not Voting: Bates, Bridges, Clark, Cooper, Evans, Ferrell, Griffith, Hanna, Mallow, Pinson, Rowe, Williams and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2005) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 2006 - "A Bill making a supplementary appropriation by adding new items of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Executive, Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2021, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2006) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 696**), and there were--yeas 81, nays 6, absent and not voting 13, with the yeas and the absent and not voting being as follows:

Nays: Gearheart, J. Jeffries, Kimble, Kimes, McGeehan and Pritt.

Absent and Not Voting: Bates, Bridges, Clark, Cooper, Evans, Ferrell, Griffith, Hanna, Mallow, Pinson, Rowe, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 697**), and there were--yeas 62, nays 24, absent and not voting 14, with the yeas and the absent and not voting being as follows:

Nays: Barrett, Bruce, Conley, Dean, Foster, Gearheart, Graves, Hardy, Horst, J. Jeffries, Keaton, Kimble, Kimes, Longanacre, Mandt, McGeehan, Paynter, Phillips, Pritt, Riley, Wamsley, B. Ward, G. Ward and Worrell.

Absent and Not Voting: Bates, Boggs, Bridges, Clark, Cooper, Evans, Ferrell, Griffith, Hanna, Mallow, Pinson, Rowe, Williams and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2006) passed.

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

On this question, the yeas and nays were taken (**Roll No. 698**), and there were--yeas 68, nays 19, absent and not voting 13, with the nays and the absent and not voting being as follows:

Nays: Barrett, Conley, Ellington, Foster, Gearheart, Hardy, Horst, J. Jeffries, Kimble, Kimes, Longanacre, Mandt, McGeehan, Paynter, Phillips, Pritt, B. Ward, G. Ward and Worrell.

Absent and Not Voting: Bates, Bridges, Clark, Cooper, Evans, Ferrell, Griffith, Hanna, Mallow, Pinson, Rowe, Williams and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2006) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 2007 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Arts, Culture, and History, Division of Culture and History, fund 0293, fiscal year 2021, organization 0432, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2007) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 699**), and there were--yeas 82, nays 6, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Fast, J. Jeffries, Kimes, McGeehan, Paynter and Pritt.

Absent and Not Voting: Bates, Bridges, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 700**), and there were--yeas 74, nays 14, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Bruce, Conley, Dean, Fast, Graves, Horst, D. Jeffries, J. Jeffries, Kimes, Longanacre, McGeehan, Paynter, Pritt and B. Ward.

Absent and Not Voting: Bates, Bridges, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2007) passed.

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

On this question, the yeas and nays were taken (**Roll No. 701**), and there were--yeas 77, nays 11, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Conley, Fast, Horst, J. Jeffries, Kimes, Longanacre, McGeehan, Miller, Paynter, Pritt and B. Ward.

Absent and Not Voting: Bates, Bridges, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2007) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 2008 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, State Rail Authority, fund 0506, fiscal year 2021, organization 0804, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2020, known as the Budget Bill for the fiscal year ending June 30, 2021.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2008) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 702**), and there were--yeas 81, nays 7, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Fast, Hanna, J. Jeffries, Kimes, McGeehan, Paynter and Pritt.

Absent and Not Voting: Bates, Bridges, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 703**), and there were--yeas 68, nays 20, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Conley, Dean, Ellington, Fast, Hanna, Higginbotham, Holstein, Horst, Householder, J. Jeffries, Kimes, Longanacre, Mazzocchi, McGeehan, J. Pack, Paynter, Pritt, Toney, Wamsley and B. Ward.

Absent and Not Voting: Bates, Bridges, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

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

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

On this question, the yeas and nays were taken (**Roll No. 704**), and there were--yeas 73, nays 15, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Conley, Ellington, Fast, Hanna, Higginbotham, Horst, J. Jeffries, Kimes, Longanacre, Mazzocchi, McGeehan, Paynter, Pritt, Toney and B. Ward.

Absent and Not Voting: Bates, Bridges, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2008) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 2009 - “A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the Budget Bill, in Title II, from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Education, State Board of Education – State Aid to Schools, fund 0317, fiscal year 2022, organization 0402 by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2009) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 705**), and there were--yeas 81, nays 7, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Gearheart, Hanna, J. Jeffries, Kimes, McGeehan, Paynter and Pritt.

Absent and Not Voting: Bates, Bridges, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 706**), and there were--yeas 75, nays 13, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Barrett, Conley, Gearheart, Hanna, Horst, J. Jeffries, Keaton, J. Kelly, Kimes, McGeehan, Paynter, Pritt and Smith.

Absent and Not Voting: Bates, Bridges, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2009) passed.

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

On this question, the yeas and nays were taken (**Roll No. 707**), and there were--yeas 80, nays 9, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Barrett, Conley, Gearheart, Hanna, Horst, J. Jeffries, Kimes, McGeehan and Pritt.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2009) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 2010 - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Education, State Board of Education – School Construction Fund, fund 3952, fiscal year 2022, organization 0404, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2010) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 708**), and there were--yeas 83, nays 6, absent and not voting 11, with the yeas and the absent and not voting being as follows:

Nays: Hanna, J. Jeffries, Kimes, McGeehan, Paynter and Pritt.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 709**), and there were--yeas 78, nays 11, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Conley, Hanna, Horst, J. Jeffries, Keaton, J. Kelly, Kimes, Longanacre, McGeehan, Pritt and Smith.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2010) passed.

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

On this question, the yeas and nays were taken (**Roll No. 710**), and there were--yeas 80, nays 9, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Conley, Hanna, Horst, J. Jeffries, Kimes, Longanacre, McGeehan, Paynter and Pritt.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2010) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 2011 - "A Bill supplementing and amending by decreasing and increasing existing items of appropriations of public moneys out of the Treasury in the State Fund, General Revenue, from the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2022, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2011) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 711**), and there were--yeas 83, nays 6, absent and not voting 11, with the yeas and the absent and not voting being as follows:

Nays: Gearheart, Horst, J. Jeffries, Kimes, Paynter and Pritt.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 712**), and there were--yeas 71, nays 18,

absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Bridges, Conley, Ellington, Gearheart, Graves, Higginbotham, Howell, J. Jeffries, J. Kelly, Kimes, Longanacre, Martin, Paynter, Pritt, Statler, Steele, Storch and B. Ward.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2011) passed.

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

On this question, the yeas and nays were taken (**Roll No. 713**), and there were--yeas 81, nays 8, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Conley, Gearheart, J. Jeffries, Kimes, Longanacre, Paynter, Pritt and Statler.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2011) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 2012 - "A Bill supplementing and amending by decreasing and increasing existing items of appropriations of public moneys out of the Treasury in the State Fund, General

Revenue, from the Department of Homeland Security, Division of Corrections and Rehabilitation – Central Office, fund 0446, fiscal year 2022, organization 0608; from the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2022, organization 0608; and to the Department of Homeland Security, Division of Administrative Services, fund 0619, fiscal year 2022, organization 0623, by supplementing and amending appropriations for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2012) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 714**), and there were--yeas 82, nays 7, absent and not voting 11, with the yeas and the absent and not voting being as follows:

Nays: Gearheart, Hardy, J. Jeffries, Kimes, McGeehan, Paynter and Pritt.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 715**), and there were--yeas 80, nays 9, absent and not voting 11, with the yeas and the absent and not voting being as follows:

Nays: Conley, Gearheart, Hardy, J. Jeffries, Kimes, Longanacre, McGeehan, Paynter and Pritt.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2012) passed.

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

On this question, the yeas and nays were taken (**Roll No. 716**), and there were--yeas 80, nays 9, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Conley, Gearheart, Hardy, J. Jeffries, Kimes, Longanacre, McGeehan, Paynter and Pritt.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2012) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 2014 - "A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Commerce, West Virginia Tourism Office, fund 0246, fiscal year 2021, organization 0304, by

supplementing and amending the appropriations for the fiscal year ending June 30, 2021.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2014) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 717**), and there were--yeas 81, nays 7, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Gearheart, J. Jeffries, Kimes, McGeehan, Paynter, Phillips and Pritt.

Absent and Not Voting: Bates, Clark, Cooper, Diserio, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 718**), and there were--yeas 69, nays 18, absent and not voting 13, with the nays and the absent and not voting being as follows:

Nays: Conley, Dean, Ellington, Foster, Gearheart, Horst, D. Jeffries, J. Jeffries, Kimble, Kimes, Longanacre, McGeehan, Paynter, Phillips, Pritt, B. Ward, G. Ward and Worrell.

Absent and Not Voting: Bates, Clark, Cooper, Diserio, Evans, Ferrell, Forsht, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2014) passed.

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

On this question, the yeas and nays were taken (**Roll No. 719**), and there were--yeas 73, nays 16, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Conley, Ellington, Foster, Gearheart, Horst, J. Jeffries, Kimble, Kimes, Longanacre, McGeehan, Paynter, Phillips, Pritt, B. Ward, G. Ward and Worrell.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2014) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 2015 - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Revenue, Tax Division, fund 0470, fiscal year 2021, organization 0702, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2015) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 720**), and there were--yeas 80, nays 9, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Gearheart, Hanna, J. Jeffries, Kimes, McGeehan, Paynter, Phillips, Pritt and Tully.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 721**), and there were--yeas 56, nays 33, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Anderson, Burkhammer, Conley, Dean, Ellington, Gearheart, Graves, Hanna, Holstein, Horst, D. Jeffries, J. Jeffries, Keaton, J. Kelly, Kimble, Kimes, Longanacre, Mandt, McGeehan, L. Pack, Paynter, Phillips, Pritt, Riley, Rohrbach, Smith, Statler, Storch, Sypolt, Tully, B. Ward, G. Ward and Worrell.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2015) passed.

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

On this question, the yeas and nays were taken (**Roll No. 722**), and there were--yeas 67, nays 22, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Conley, Dean, Ellington, Gearheart, Hanna, Holstein, Horst, J. Jeffries, J. Kelly, Kimble, Kimes, Longanacre, Mandt, McGeehan, Phillips, Pritt, Riley, Smith, Storch, G. Ward and Worrell.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2015) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 2016 - "A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Revenue, Office of the Secretary, fund 0465, fiscal year 2021, organization 0701, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2016) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 723**), and there were--yeas 85, nays 4, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Gearheart, Kimes, Paynter and Pritt.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 724**), and there were--yeas 82, nays 7, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Anderson, Conley, Ellington, Gearheart, Kimble, Kimes and G. Ward.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2016) passed.

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

On this question, the yeas and nays were taken (**Roll No. 725**), and there were--yeas 85, nays 4, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Conley, Gearheart, Kimble and Kimes.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2016) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 2017 - “A Bill making a supplementary appropriation by adding new items and increasing existing items for expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to Executive, Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2021, organization 0100; to the Department of Commerce, West Virginia Tourism Office, fund 0246, fiscal year 2021, organization 0304; to the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2021, organization 0307; to the West Virginia Council for Community and Technical College Education, West Virginia Council for Community and Technical College Education – Control Account, fund 0596, fiscal year 2021, organization 0420; to the West Virginia Council for Community and Technical College Education, Mountwest Community and Technical College, fund 0599, fiscal year 2021, organization 0444; to the West Virginia Council for Community and Technical College Education, New River Community and Technical College, fund 0600, fiscal year 2021, organization 0445; to the West Virginia Council for Community and Technical College Education, Blue Ridge Community and Technical College, fund 0601, fiscal year 2021, organization 0447; to the West Virginia Council for Community and Technical College Education, West Virginia University at Parkersburg, fund 0351, fiscal year 2021, organization 0464; to the West Virginia Council for Community and Technical College

Education, Southern West Virginia Community and Technical College, fund 0380, fiscal year 2021, organization 0487; to the West Virginia Council for Community and Technical College Education, West Virginia Northern Community and Technical College, fund 0383, fiscal year 2021, organization 0489; to the West Virginia Council for Community and Technical College Education, Eastern West Virginia Community and Technical College, fund 0587, fiscal year 2021, organization 0492; to the West Virginia Council for Community and Technical College Education, BridgeValley Community and Technical College, fund 0618, fiscal year 2021, organization 0493; to the Higher Education Policy Commission, Higher Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2021, organization 0441; to the Higher Education Policy Commission, West Virginia University – School of Medicine, Medical School Fund, fund 0343, fiscal year 2021, organization 0463; to the Higher Education Policy Commission, West Virginia University – General Administrative Fund, fund 0344, fiscal year 2021, organization 0463; to the Higher Education Policy Commission, Marshall University – School of Medicine, fund 0347, fiscal year 2021, organization 0471; to the Higher Education Policy Commission, Marshall University – General Administration Fund, fund 0348, fiscal year 2021, organization 0471; to the Higher Education Policy Commission, West Virginia School of Osteopathic Medicine, fund 0336, fiscal year 2021, organization 0476; to the Higher Education Policy Commission, Bluefield State College, fund 0354, fiscal year 2021, organization 0482; to the Higher Education Policy Commission, Concord University, fund 0357, fiscal year 2021, organization 0483; to the Higher Education Policy Commission, Glenville State College, fund 0363, fiscal year 2021, organization 0485; to the Higher Education Policy Commission, Shepherd University, fund 0366, fiscal year 2021, organization 0486; to the Higher Education Policy Commission, West Liberty University, fund 0370, fiscal year 2021, organization 0488; and to the Higher Education Policy Commission, West Virginia State University, fund 0373, fiscal year 2021, organization 0490, by supplementing and amending the appropriations for the fiscal year ending June 30, 2021.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2017) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 726**), and there were--yeas 84, nays 4, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries, Kimes, Paynter and Phillips.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Longanacre, Mallow, Pinson, Rowe, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 727**), and there were--yeas 78, nays 11, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Conley, Dean, Foster, Graves, D. Jeffries, J. Jeffries, Kimes, McGeehan, Paynter, Phillips and Pritt.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2017) passed.

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

On this question, the yeas and nays were taken (**Roll No. 728**), and there were--yeas 83, nays 6, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Conley, Foster, J. Jeffries, Kimes, Paynter and Phillips.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2017) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 2018 - "A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the Budget Bill, supplementing and amending appropriations in Title II, Section 9 for the fiscal year ending June 30, 2022."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2018) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 729**), and there were--yeas 86, nays 3, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Kimes, Paynter and Pritt.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 730**), and there were--yeas 85, nays 4, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Graves, Kimes, Paynter and Pritt.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2018) passed.

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

On this question, the yeas and nays were taken (**Roll No. 731**), and there were--yeas 85, nays 4, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Conley, Kimes, Paynter and Pritt.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2018) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 2019 - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund, fund 2531, fiscal year 2022, organization 0231; and to the Department of Transportation, State Rail Authority – West Virginia Commuter Rail Access Fund, fund 8402, fiscal year 2022, organization 0804, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2019) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 732**), and there were--yeas 80, nays 8, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Fast, J. Jeffries, Kimes, Longanacre, McGeehan, Paynter, Phillips and Pritt.

Absent and Not Voting: Bates, Brown, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 733**), and there were--yeas 73, nays 16, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Bridges, Conley, Dean, Fast, Graves, Hanna, Haynes, Holstein, Horst, J. Jeffries, Kimes, Longanacre, McGeehan, Paynter, Phillips and Pritt.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2019) passed.

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

On this question, the yeas and nays were taken (**Roll No. 734**), and there were--yeas 77, nays 12, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Bridges, Conley, Fast, Hanna, Horst, J. Jeffries, Kimes, Longanacre, McGeehan, Paynter, Phillips and Pritt.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Rowe, Williams and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2019) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 2020 - “A Bill to amend and reenact §60-3A-18 of the Code of West Virginia, 1931, as amended, relating to altering the time frame which retail liquor licensees may sell liquors.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2020) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 735**), and there were--yeas 74, nays 14, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Bruce, Burkhammer, Conley, Fast, Gearheart, Hanna, D. Jeffries, J. Jeffries, Kimes, Mandt, Miller, Toney and B. Ward.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Queen, Rowe, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 736**), and there were--yeas 59, nays 29, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Bruce, Burkhammer, Conley, Fast, Gearheart, Hanna, Holstein, Hott, D. Jeffries, J. Jeffries, Jennings, Keaton, D. Kelly, J. Kelly, Kimes, Longanacre, Mandt, Mazzocchi, Miller, J. Pack, L. Pack, Rohrbach, Rowan, Toney, B. Ward, G. Ward, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Queen, Rowe, Williams and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 2020) passed.

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

On this question, the yeas and nays were taken (**Roll No. 737**), and there were--yeas 60, nays 28, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Boggs, Bruce, Burkhammer, Conley, Fast, Gearheart, Hanna, Hott, D. Jeffries, J. Jeffries, Jennings, Keaton, D. Kelly, J. Kelly, Kimes, Longanacre, Mandt, Maynard, Mazzocchi, Miller, Rohrbach, Rowan, Toney, B. Ward, G. Ward, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Queen, Rowe, Williams and Young.

So, two thirds of the members elected to the House of Delegates not having voted in the affirmative, the motion was rejected.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 2021 - “A Bill expiring funds to the unappropriated surplus balance of the Treasury in the State Fund, General Revenue, by decreasing existing items of appropriation in the amount of \$397,450 from the Department of Economic Development, fund 0256, fiscal year 2007, organization 0307, appropriation 48000; in the amount of \$305,500 from the Department of Economic Development, fund 0256, fiscal year 2008, organization 0307, appropriation 48000; in the amount of \$136.61 from the Department of Economic Development, fund 0256, fiscal year 2001, organization 0307, appropriation 81900; in the amount of \$3,725.24 from the Department of Economic Development, fund 0256, fiscal year 2002, organization 0307, appropriation 81900; in the amount of \$2,420.04 from the Department of Economic Development, fund 0256, fiscal year 2003, organization 0307, appropriation 81900; in the amount of \$6,488.43 from the Department of Economic Development, fund 0256, fiscal year 2005, organization 0307, appropriation 81900; in the amount of \$6,518.25 from the Department of Economic Development, fund 0256, fiscal year 2006, organization 0307, appropriation 81900; in the amount of \$2,068.61 from the Department of Economic Development, fund 0256, fiscal year 2008, organization 0307, appropriation 81900; in the amount of \$243,027.46 from the Department of Economic Development, fund 0256, fiscal year 2010, organization 0307, appropriation 81900; in the amount of \$93,244.87 from the Department of Economic Development, fund 0256, fiscal year 2011, organization 0307, appropriation 81900; in the amount of \$33,002.10 from the Department of Economic Development, fund 0256, fiscal year 2012, organization 0307, appropriation 81900; in the amount of \$86,438.58 from the Department of Economic Development, fund 0256, fiscal year 2013, organization 0307, appropriation 81900; in the amount of \$23,878.68 from the Department of Economic Development, fund 0256, fiscal year 2014, organization 0307, appropriation 81900; and in the amount of \$199,262.69 from the Department of Economic Development, fund 0256, fiscal year 2015, organization 0307, appropriation 81900.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2021) to a

committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 738**), and there were--yeas 87, nays 1, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Kimes.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Queen, Rowe, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 739**), and there were--yeas 77, nays 11, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Conley, Dean, Graves, D. Jeffries, J. Jeffries, Kimes, Longanacre, McGeehan, Phillips, Pritt and G. Ward.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Queen, Rowe, Williams and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2021) passed.

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

On this question, the yeas and nays were taken (**Roll No. 740**), and there were--yeas 80, nays 8, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Conley, J. Jeffries, Kimes, Longanacre, McGeehan, Phillips, Pritt and G. Ward.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Queen, Rowe, Williams and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2021) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 2022 - "A Bill expiring funds to the unappropriated surplus balance of the Treasury in the State Fund, General Revenue, for the fiscal year ending June 30, 2021, in the amount of \$4,514.05 from the Bureau of Senior Services, fund 5405, fiscal year 2010, organization 0508, appropriation 46200; in the amount of \$7,668.74 from the Bureau of Senior Services, fund 5405, fiscal year 2011, organization 0508, appropriation 46200; in the amount of \$13,712.89 from the Bureau of Senior Services, fund 5405, fiscal year 2012, organization 0508, appropriation 46200; in the amount of \$4,544.37 from the Bureau of Senior Services, fund 5405, fiscal year 2013, organization 0508, appropriation 46200; in the amount of \$50,667.70 from the Bureau of Senior Services, fund 5405, fiscal year 2014, organization 0508, appropriation 46200; in the amount of \$512,256 from the Bureau of Senior Services, fund 5405, fiscal year 2015, organization 0508, appropriation 46200; in the amount of \$18,982 from the Library Commission - Lottery Education Fund, fund 3559, fiscal year 2011, organization 0433, appropriation 62500; in the amount of \$17,999.00 from the Library

Commission - Lottery Education Fund, fund 3559, fiscal year 2012, organization 0433, appropriation 62500; in the amount of \$337,252 from the Library Commission - Lottery Education Fund, fund 3559, fiscal year 2013, organization 0433, appropriation 62500; in the amount of \$83,183.47 from the State Board of Education, fund 3951, fiscal year 2007, organization 0402, appropriation 09900; in the amount of \$158,044 from the State Board of Education, fund 3951, fiscal year 2008, organization 0402, appropriation 09900; in the amount of \$63,654 from the State Board of Education, fund 3951, fiscal year 2009, organization 0402, appropriation 09900; in the amount of \$15,975 from the State Board of Education, fund 3951, fiscal year 2011, organization 0402, appropriation 09900; in the amount of \$387,842.08 from the State Board of Education, fund 3951, fiscal year 2012, organization 0402, appropriation 09900; in the amount of \$303,375 from the State Board of Education, fund 3951, fiscal year 2014, organization 0402, appropriation 13000 ; and in the amount of \$1,268,175 from the State Board of Education, fund 3951, fiscal year 2015, organization 0402, appropriation 13000.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2022) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 741**), and there were--yeas 85, nays 3, absent and not voting 12, with the yeas and the absent and not voting being as follows:

Nays: J. Jeffries, Kimes and Paynter.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Queen, Rowe, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 742**), and there were--yeas 72, nays 16, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Conley, Dean, Foster, Graves, D. Jeffries, J. Jeffries, Kimble, Kimes, Longanacre, McGeehan, Paynter, Phillips, Pritt, B. Ward and G. Ward.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Queen, Rowe, Williams and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2022) passed.

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

On this question, the yeas and nays were taken (**Roll No. 743**), and there were--yeas 75, nays 12, absent and not voting 13, with the nays and the absent and not voting being as follows:

Nays: Conley, Foster, J. Jeffries, Kimble, Kimes, Longanacre, McGeehan, Paynter, Phillips, Pritt, B. Ward and G. Ward.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Queen, Rowe, Steele, Williams and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2022) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 2023 - “A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to extending the expiration date of the freeze of the per diem rate to July 1, 2022; and clarifying that the per diem cost for incarcerated inmates in a regional jail is calculated annually and from the previous three fiscal years of actual costs.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2023) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 744**), and there were--yeas 85, nays 2, absent and not voting 13, with the yeas and the absent and not voting being as follows:

Nays: J. Jeffries and Kimes.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Queen, Rowe, Steele, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 745**), and there were--yeas 84, nays 4, absent

and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Foster, Graves, J. Jeffries and Kimes.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Queen, Rowe, Williams and Young.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 2023) passed.

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

On this question, the yeas and nays were taken (**Roll No. 746**), and there were--yeas 85, nays 3, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Foster, J. Jeffries and Kimes.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Queen, Rowe, Williams and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2023) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 2024 - "A Bill supplementing and amending by increasing an existing item of appropriation of federal funds out of the Treasury to the Miscellaneous Boards and Commissions, National Coal Heritage Authority, fund 8869, fiscal year 2022, organization 0941, by supplementing and amending an appropriation for the fiscal year ending June 30, 2022."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 2024) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 747**), and there were--yeas 86, nays 2, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries and Kimes.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Queen, Rowe, Williams and Young.

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

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

The bill was read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 748**), and there were--yeas 86, nays 2, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries and Kimes.

Absent and Not Voting: Bates, Clark, Cooper, Evans, Ferrell, Griffith, Mallow, Pinson, Queen, Rowe, Williams and Young.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2024) passed.

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

On this question, the yeas and nays were taken (**Roll No. 749**), and there were--yeas 85, nays 2, absent and not voting 13, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries and Kimes.

Absent and Not Voting: Bates, Clark, Cooper, Diserio, Evans, Ferrell, Griffith, Mallow, Pinson, Queen, Rowe, Williams and Young.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 2024) takes effect from its passage.

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 adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was reported by the Clerk:

S. C. R. 201 - "Requesting the President of the United States to designate a single state funeral to be held upon the death of the last living Medal of Honor recipient from World War II."

Whereas, Only 473 Americans were awarded the Congressional Medal of Honor, the nation's highest decoration of valor during World War II, and, as of today, only one of those Americans, West Virginia's own son, Hershel "Woody" Williams, is living; and

Whereas, The time is approaching for a final salute to the Medal of Honor recipients from World War II; and

Whereas, A single state funeral to be held upon the death of the last living Medal of Honor recipient from World War II would be the perfect vehicle to do so, and it would also provide national recognition to honor all 16 million soldiers, sailors, and airmen who served in our armed forces from 1941 to 1945; and

Whereas, General Douglas MacArthur, Supreme Allied Commander in the Pacific theatre, and General Dwight Eisenhower, Supreme Allied Commander of the European theatre, were each honored by the nation with state funerals; and

Whereas, The selfless, brave men and women who served under them deserve the honor of special recognition at a state funeral to be held upon the death of the last living Medal of Honor recipient from World War II; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the President of the United States to designate a single state funeral to be held upon the death of the last living Medal of Honor recipient from World War II; and, be it

Further Resolved, That the Legislature hereby requests the President of the United States to designate a single state funeral to be held upon the death of the last living Medal of Honor recipient from each succeeding American war, so that the memory of their deeds may be perpetuated; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the President of the United States, the Clerk of the United States Senate, the Clerk of the United States House of Representatives, all members of West Virginia's congressional delegation, and the Governor of West Virginia.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (S. C. R. 201) to a committee was dispensed with, and it was taken up for immediate consideration and put upon its adoption.

The resolution was then adopted.

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 adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was reported by the Clerk:

S. C. R. 202 – “Urging the federal government to allocate \$8 billion for coal mine reclamation funding to the State of West Virginia to reclaim forfeited mine sites and to revitalize struggling West Virginia coal communities, workers, and their families.”

Whereas, West Virginia has a storied history of being a nationwide leader in coal production for the United States, helping power the country through such events as World War II and beyond; and

Whereas, West Virginia coal miners and their families have endured many struggles and hardships in their endeavors to produce power for the country; and

Whereas, Some West Virginia miners paid the ultimate sacrifice in tragic coal mine accidents such as the Sago Mine disaster, the Farmington Mine disaster, the Monongah Mine disaster, the Aracoma Alma Mine accident, and others; and

Whereas, The State of West Virginia recognizes the current national shift towards alternative energy sources, but continues to recognize the need for coal production; and

Whereas, Keeping workers in West Virginia employed and maintaining a tax base for the State of West Virginia is integral for its very survival, while also having a positive environmental and economic impact on these forfeited mine sites; and

Whereas, There is no “one size fits all” solution for the State of West Virginia, and by having federal moneys available for the reclamation of forfeited mines in West Virginia, local solutions for particularized mine sites can best benefit the surrounding communities as a whole; and

Whereas, Retraining coal miners for the purpose of reclaiming abandoned and/or forfeited coal mines can be easily done with minimal retraining costs, as many miners are intimately familiar with the abandoned mines from their previous years of work there; and

Whereas, West Virginia coal miners have an average age of 30 to 40 years old, while the average age of an unemployed coal miner in West Virginia is 47, and by working in these reclaimed mine sites for an expected span of 10 to 15 years, this would allow many unemployed coal mine workers in an aging workforce to get to retirement age; and

Whereas, There have been problems with coal companies in the State of West Virginia with being able to obtain loans for working capital in the banking and insurance industry because of federal regulations and restrictions, and pressure to reduce carbon emissions, this reclamation money could help ease this process; and

Whereas, West Virginia is a carbon-neutral state because of the vast expanse of trees and forests of the Appalachian Mountains that surround the entire state; and

Whereas, West Virginia land is being leased to out of state companies in the northeastern United States and in California so that they may use this land as a carbon credit, in order for those companies to maintain carbon neutral status, per the American Carbon Registry, and through one California-based project alone, over 281,000 acres have been used for this purpose across seven southern West Virginia counties, with no financial or other benefit to the State of West Virginia; and

Whereas, When the land is leased for this purpose, there are explicit restrictions and conditions placed upon the land, ensuring that leased land cannot be used for recreational, commercial, or residential purposes; and

Whereas, Five of the top 25 Bureau of Land Statistics areas associated with key coal occupations are in West Virginia,

including #1 southern West Virginia non-metropolitan area, #3 Wheeling, West Virginia, #11, northern West Virginia non-metropolitan area, #23 Beckley, West Virginia, and #24 Charleston, West Virginia;

Whereas, According to data from the U.S. Energy Information Administration in 2019, 22 counties in West Virginia had active coal mine operations; and

Whereas, According to this same data, there are a total of 231 active and inactive mine sites in West Virginia, with recent data indicating 162 of these mines currently being in operation; and

Whereas, A single mine site may have several mining permits associated with it (i.e. there are just under 1,800 permits currently active for the 162 mines in operation); and

Whereas, There are approximately 3,300 active bonds in West Virginia, and each permit issued to a coal company may have several bonds attached to it; and

Whereas, West Virginia must incentivize mine reclamation, and should not permit company liabilities to be transferred to the State of West Virginia, as is being done now; and

Whereas, There are a total of 30,788.96 current acres of forfeited mine sites in West Virginia, with only a fraction of these sites having already been reclaimed; and

Whereas, If these federal funds are released to the State of West Virginia, there is already a framework in place to spend the money for reclamation-based projects, as opposed to other states who may qualify for similar funding without such a framework; and

Whereas, This opportunity would be a chance to correct federal action and inaction over the years that have disproportionately impacted the State of West Virginia in a negative way; and

Whereas, Mine reclamation is directly linked to helping infrastructure through the cleanup of coal mine sites across West Virginia; and

Whereas, There has been a direct negative effect on the citizens of West Virginia's coalfields and the coal economy due to the dramatic change in federal regulations on coal and coal-fired power plant emissions since 1976; and

Whereas, Due to the dramatic shift in environmental policy of the federal government over the last few decades, it would be fundamentally unfair for the State of West Virginia to bear the burden of the upkeep of these bankrupted coal mine sites; and

Whereas, When the money is released to the State of West Virginia, it then allows the state as a whole to assist with implementing other executive plans, such as the American Rescue Plan, the American Jobs Act, etc.; and

Whereas, The RECLAIM Act, H.R. 2156, would commit \$1 billion to help clean up dangerous and polluting abandoned coal mines on public and private lands, which will spur immediate job creation and create the conditions for longer term, locally driven economic development efforts to build better, brighter futures in coal communities across the country; and

Whereas, Abandoned mine sites have already been leveraged to create jobs through sustained revitalization efforts, wildlife habitat and restoration, and water quality improvement, but frequently, funding is hard to come by, and the RECLAIM Act would alter that landscape; and

Whereas, By reauthorizing the Abandoned Mine Land Program, which is set to expire in September of 2021, money could benefit West Virginia reclamation efforts; and

Whereas, For all of the above reasons, West Virginia communities, workers, and families all stand to benefit greatly by the distribution of federal money to the state for the purposes of mine reclamation; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges the federal government to allocate \$8 billion for coal mine reclamation funding to the State

of West Virginia to reclaim forfeited mine sites and to revitalize struggling West Virginia coal communities, workers, and their families; and, be it

Further Resolved, That the West Virginia Legislature specifically requests that the federal government pass the RECLAIM Act of 2021, H.R. 2156, which would immediately disburse \$1 billion in the Abandoned Mine Land fund, with about \$200 million of that money being designated for the State of West Virginia; and, be it

Further Resolved, that the West Virginia Legislature hereby urges the federal government to reauthorize the Abandoned Mine Land Program, which is set to expire in September of 2021, with a fee assessed on production of coal to be distributed to the states to fund reclamation projects; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, and members of West Virginia's congressional delegation.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (S. C. R. 202) to a committee was dispensed with, and it was taken up for immediate consideration and put upon its adoption.

The resolution was then adopted.

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 adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 201, Requesting the President of the United States to designate a single state funeral to be held upon the death of the last living Medal of Honor recipient from World War II.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Bates, Clark, Evans, Ferrell, Griffith, Mallow, Pinson, Williams and Young.

Committee Reports

In accordance with House Rule 68, Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, filed the following report with the Clerk:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 25th day of June, 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:

S. B. 2002, Making supplemental appropriation to Division of Natural Resources,

S. B. 2003, Making supplemental appropriations to DHS, Division of Emergency Management and Division of Corrections and Rehabilitation,

S. B. 2005, Making supplemental appropriation to WV Development Office,

S. B. 2006, Making supplemental appropriation to Civil Contingent Fund,

S. B. 2007, Making supplemental appropriation to Division of Culture and History,

S. B. 2008, Making supplemental appropriation to State Rail Authority,

S. B. 2009, Making supplemental appropriation to BOE, State Aid to Schools,

S. B. 2010, Making supplemental appropriation to BOE, School Construction Fund,

S. B. 2011, Making supplemental appropriation to Division of Human Services,

S. B. 2012, Making supplemental appropriation to DHS, Division of Corrections and Rehabilitation and Division of Administrative Services,

S. B. 2014, Making supplemental appropriation to WV Tourism Office,

S. B. 2015, Making supplemental appropriation to Tax Division,

S. B. 2016, Making supplemental appropriation to Rainy Day Fund,

S. B. 2017, Adding new items and increasing existing items of appropriation for various accounts for fiscal year 2021,

S. B. 2018, Supplementing Budget Bill in Title II, Section 9 for fiscal year ending June 30, 2022,

S. B. 2019, Making supplemental appropriations to Office of Technology and State Rail Authority,

S. B. 2020, Altering time frame retail liquor licensees may sell liquors,

S. B. 2021, Decreasing existing items of appropriations to Department of Economic Development,

S. B. 2022, Making supplemental appropriations to Local Economic Development Assistance,

S. B. 2023, Extending expiration date for per diem rate freeze for incarcerated inmates in regional jails,

And,

S. B. 2024, Making supplemental appropriation to National Coal Heritage Area Authority.

Messages from the Executive

Subsequent to the adjournment of the session, a communication was received from His Excellency, the Governor, advising that on June 28, 2021, he approved **S. B. 2002, S. B. 2003, S. B. 2005, S. B. 2006, S. B. 2007, S. B. 2008, S. B. 2009, S. B. 2010, S. B. 2011, S. B. 2012, S. B. 2014, S. B. 2015, S. B. 2016, S. B. 2017, S. B. 2018, S. B. 2019, S. B. 2020, S. B. 2021, S. B. 2022, S. B. 2023 and S. B. 2024.**

Miscellaneous Business

Pursuant to House Rule 132, consent was obtained to print the following in the Appendix to the Journal:

- Address of Delegate Walker regarding her son

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

H. C. R. 201: Delegate Hornbuckle

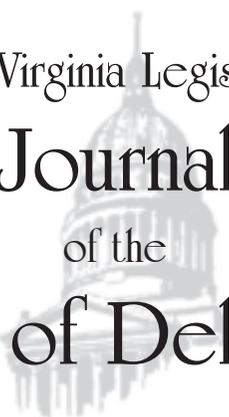
During the recess, Senator Grady, on behalf of the committee from the Senate, informed the Clerk that the Senate was ready to adjourn *sine die*.

At 8:55 p.m., on motion of Delegate Summers, the House of Delegates adjourned *sine die*.

We hereby certify that the forgoing record of the proceedings of the House of Delegates, Second Extraordinary Session, 2021, is the Official Journal of the House of Delegates for said session.

Roger Hanshaw
Speaker of the House of Delegates

Stephen J. Harrison
Clerk of the House of Delegates



West Virginia Legislature
Journal
of the
House of Delegates

Eighty-Fifth Legislature
Third Extraordinary Session

Charleston, Monday, October 11, 2021

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

Pursuant to the Proclamation of His Excellency, the Governor, issued the 8th day of October, 2021, convening the Legislature in Extraordinary Session at 11:00 a.m. on the 11th day of October, 2021, the House of Delegates, assembled in its Chamber in the Capitol Building in the City of Charleston and was called to order by the Speaker, the Honorable Roger Hanshaw.

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

**Messages from the Executive
and other Communications**

Various communications were laid before the House of Delegates, which were read by the Clerk as follows:

STATE OF WEST VIRGINIA
HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE

August 1, 2021

The Honorable Roger Hanshaw
Speaker of the House
West Virginia House of Delegates
1900 Kanawha Boulevard, East
Charleston, WV 25305

Dear Mr. Speaker,

Serving as a member of the House of Delegates is the pinnacle of my professional career. However, I have been presented with the opportunity to make an impact in the arena of child welfare in West Virginia. You and I both know how important that subject is, and I want to do everything I can to make an impact. Therefore, it is with a heavy heart that I must resign as a member of the West Virginia House of Delegates effective midnight August 1, 2021.

I would like to thank my colleagues for making this such a rewarding experience. I wish to especially thank you, Mister Speaker, for the amazing opportunity to serve as a member of your leadership team. Finally, I must thank the folks of Monroe, Raleigh and Summers counties for allowing me to represent them in this chamber.

Respectfully,

Jeffrey Pack

STATE OF WEST VIRGINIA
Jim Justice
Governor of West Virginia

August 19, 2021

The Honorable Mac Warner
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Secretary Warner:

Pursuant to W. Va. Code § 3-10-5, I have this day appointed Jordan Maynor, Beaver, Raleigh County, as a Delegate representing the Twenty-Eighth District of the House of Delegates, to fill the vacancy created by the resignation of the Honorable Jeffrey Pack.

Sincerely,

Jim Justice,
Governor.

The Clerk announced that Delegate Maynor had taken the oath of office on August 24, 2021.

Delegate Summers arose to suggest the absence of a quorum, the Clerk opened the voting machine to determine the presence of a quorum (**Roll No. 750**), and 97 members having registered their presence, the Speaker declared a quorum was present. The absent being as follows:

Absent: Keaton, Pack and Thompson.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation by which it had been called together.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Graves, Gearheart and Boggs.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three, to join with a similar committee on the part of the Senate, to inform His Excellency, the Governor, that the Legislature had assembled in extraordinary session and was ready to enter upon the business stated in the Proclamation.

Whereupon,

The Speaker appointed as members of such committee:

Delegates Rowan, Phillips and Lovejoy.

Messages from the Executive

A Proclamation of His Excellency, the Governor, convening the Legislature in extraordinary session, was laid before the House of Delegates and read by the Clerk as follows:

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session at 11:00 AM on Monday, October 11, 2021, in its chambers in the State Capitol, the City of Charleston, for the limited purpose of considering and acting upon only the following matters:

FIRST: Legislation relating to and implementing the decennial redistricting of the House of Delegates and State Senate of the Legislative Department.

SECOND: Legislation relating to and implementing the decennial apportionment of representatives of the United States House of Representatives.

THIRD: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Bureau of Senior Services, Bureau of Senior Services, fund 8724, fiscal year 2022, organization 0508, by supplementing, amending, and adding a new item of appropriation, Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$16,400,000, for the fiscal year ending June 30, 2022.

FOURTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Human Services – Energy Assistance, fund 8755, fiscal year 2022, organization 0511, by supplementing and amending the appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$7,832,540, for the fiscal year ending June 30, 2022.

FIFTH: To expire funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022, in the amount of \$2,000,000 from the Attorney General, Consumer Protection Recovery Fund, Fund 1509, Fiscal Year 2022, Organization 1500, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

SIXTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Agriculture, fund 8736, fiscal year 2022, organization 1400; by supplementing, amending, and adding a new item of appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$1,098,839, for the fiscal year ending June 30, 2022.

SEVENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Arts, Culture and History, Division of Culture and History, fund 8718, fiscal year 2022, organization 0432, by supplementing, amending, and adding a new item of appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$765,400, for the fiscal year ending June 30, 2022.

EIGHTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – Community Mental Health Services, fund 8794, fiscal year 2022, organization 0506; by supplementing and amending the appropriation for Federal Coronavirus Pandemic , appropriation 89101, in the amount of \$267,969, for the fiscal year ending June 30, 2022.

NINTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 8723, fiscal year 2022, organization 0506; by supplementing and amending the appropriation for Personal Services and Employee Benefits, appropriation 00100, in the amount of \$100,000, and the appropriation for Current Expenses, appropriation 13000, in the amount of \$11,000,000, for the fiscal year ending June 30, 2022.

TENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health, fund 8802, fiscal year 2022, organization 0506, by supplementing and amending the appropriation for Personal Services and Employee Benefits, appropriation 00100, in the amount of \$1,400,000, the appropriation for Current Expenses, appropriation 13000, in the amount of \$33,556,737, and the

appropriation for Federal Coronavirus Pandemic, Appropriation 89101, in the amount of \$14,998,450 for the fiscal year ending June 30, 2022.

ELEVENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2022, organization 0511; by supplementing and amending the appropriation for Medical Services, appropriation 18900, in the amount of \$83,509,092, and for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$340,984,855 for the fiscal year ending June 30, 2022.

TWELFTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – Substance Abuse Prevention and Treatment, fund 8793, fiscal year 2022, organization 0506, by supplementing and amending the appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$218,330, for the fiscal year ending June 30, 2022.

THIRTEENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Arts, Culture and History, Educational Broadcasting Authority, fund 8721, fiscal year 2022, organization 0439, by supplementing, amending and adding a new item of appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$710,176, for the fiscal year ending June 30, 2022.

FOURTEENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Arts, Culture and History, Library

Commission, fund 8720, fiscal year 2022, organization 0433, by supplementing, amending, and adding a new item of appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$2,388,880, for the fiscal year ending June 30, 2022.

FIFTEENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Veterans' Assistance, Department of Veterans' Assistance, fund 8858, fiscal year 2022, organization 0613, by supplementing, amending, and adding a new item of appropriation for Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$1,816,040, the fiscal year ending June 30, 2022.

SIXTEENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Veterans' Assistance – Veterans' Home, fund 8728, fiscal year 2022, organization 0618, by supplementing, amending, and adding a new item of appropriation, Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$1,508,024, for the fiscal year ending June 30, 2022.

SEVENTEENTH: To make supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Arts, Culture and History, Commission for National and Community Service, fund 8841, fiscal year 2022, organization 0432; by supplementing, amending and adding a new item of appropriation, Federal Coronavirus Pandemic, appropriation 89101, in the amount of \$1,960,588, for the fiscal year ending June 30, 2022.

EIGHTEENTH: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Arts, Culture and History, Division of Culture and History, fund 0293, fiscal year

2022, organization 0432, by supplementing and amending the appropriations for Current Expenses, appropriation 13000, in the amount of \$22,900, and adding an appropriation for the WV Women's Suffragist Memorial, appropriation XXXXX, in the amount of \$50,000, the fiscal year ending June 30, 2022.

NINETEENTH: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307, by supplementing and amending the appropriation for Global Economic Development Partnerships, appropriation XXXXX, in the amount of \$150,000, for the fiscal year ending June 30, 2022.

TWENTIETH: To make supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Education, State Board of Education, State Department of Education, fund 0313, fiscal year 2022, organization 0402, for Directed Transfer, appropriation 70000, in the amount of \$250,000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022.

TWENTY-FIRST: To supplement and amend 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 Executive, Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2022, organization 0100, by supplementing and amending the appropriations for Civil Contingent Fund – Surplus (R), appropriation 23800, in the amount of \$2,000,000, the fiscal year ending June 30, 2022.

TWENTY-SECOND: To make supplementary appropriation by adding a new item of appropriation and increasing the

expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Administration, Division of Personnel, fund 0206, fiscal year 2022, organization 0222, for Directed Transfer, appropriation 70000, in the amount of \$500,000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022.

TWENTY-THIRD: To make supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Public Port Authority, fund 0581, fiscal year 2022, organization 0806, Directed Transfer, appropriation 70000, in the amount of \$30,000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022.

TWENTY-FOURTH: To make supplementary appropriation of public monies out of the Treasury from the balance of monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Transportation, Office of Administrative Hearings, fund 9027, fiscal year 2022, organization 0808, by supplementing and amending the appropriation for Personal Services, appropriation 00100, in the amount of \$200,000, and the appropriation for Current Expenses, appropriation 13000, in the amount of \$50,000, for the fiscal year ending June 30, 2022.

TWENTY-FIFTH: To make supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Transportation, Public Port Authority, Special Railroad and Intermodal Enhancement Fund, fund 8254, fiscal year 2022, organization 0806, for the appropriation of Current Expenses, appropriation 13000, in the amount of \$30,000, by supplementing and amending Chapter 11, Acts of the Legislature,

Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022.

TWENTY-SIXTH: To supplement and amend chapter eleven, Acts of the Legislature, Regular Session, 2021, known as the budget bill, by supplementing and amending appropriations in Title II, section 12 for the fiscal year ending June 30, 2022, by transferring \$2,500,000 from Directed Transfer (fund 1509, appropriation 7000), to the Department of Health and Human Resources, Division of Human Services – Medical Services Trust Fund (fund 5185).

TWENTY-SEVENTH: To amend and reenact § 61-7-4 of the Code of West Virginia, 1931, as amended, relating to clarifying the manner in which an application fee is to be paid for a West Virginia resident to obtain a state license to carry a concealed deadly weapon; to require half of the application fee collected be deposited into the State Treasury and credited to the account of the State Police; and to exclude honorably discharged, resident veterans of the reserve and National Guard from payment of the application fee.

TWENTY-EIGHTH: To amend and reenact § 16-48-3, § 16-48-4, and § 16-48-6 of the Code of West Virginia, 1931, as amended, all relating generally to the West Virginia ABLE Act; to define terms; to authorize the State Treasurer to promulgate emergency rules; to permit a person with signature authority, according to federal law, to open and manage an account on behalf of a designated beneficiary; and to clarify that the State Treasurer may require an application to open an ABLE account.

TWENTY-NINTH: To amend and reenact § 11-15-9 of the Code of West Virginia, 1931, as amended, relating to taxation of the sale of certain aircraft; to exempt from consumer sales and service tax the sale of aircraft sold in this state and registered in another state and removed from this state within 60 days; to provide for an effective date; and to provide conditions of exemption.

THIRTIETH: To repeal §29-32-3 and §29-32-4 of the Code of West Virginia, 1931, as amended, and to amend and reenact §29-32-1, §29-32-2, §29-32-5 of said code, all relating to establishing a Medal of Valor for emergency medical service personnel, firefighters, and law-enforcement officers; to establish the Medal of Valor and criteria for awarding it; to establish the First Responders Honor Board within the Department of Homeland Security; to define persons whom the board may recommend to receive the Medal of Valor; to establish criteria for board membership; to set the term of board membership; to require the board to meet at least annually and provide notice thereof; to provide for the election of a board chair and define a quorum; and to mandate nominations for the Medal of Valor be submitted by the first day of the next regular session of the Legislature.

THIRTY-FIRST: To amend and reenact § 16-2-11 and § 16-2-13 of the Code of West Virginia, 1931, as amended, all relating to the role of local county commissions, appointing entities, or county boards of educations as to rules of local health boards; to provide, by amending § 16-2-11(b)(3)(D), that any rule adopted or established by a local health board or local health officer on which no action is taken by a county commission or appointing entity to approve, disapprove, or amend the local rule within 30 days after the rule is effective, is void and to provide that, with respect to a local rule which solely applies to and affects public, private, or parochial schools or state-regulated childcare centers, such local rule shall be approved, disapproved, or amended by the county board of education, instead of the county commission or appointing entity, within 30 days of approval of the local rule from the local board of health; to provide, by amending § 16-2-11(b)(3)(H), that if there is an imminent public health emergency, approval of the county commission, appointing entity, or county board of education is not necessary before the local rule goes into effect but that such local rule shall be approved or disapproved by the county commission, appointing entity, or county board of education within 30 days after the rule is effective, and any local rule on which the county commission, appointing authority, or county board of education has taken no action within 30 days shall be void; to provide, by amending § 16-2-11(b)(3) by adding thereto a new

subparagraph designated (I), that for purposes of § 16-2-11, a “rule” or “rules” subject to approval, disapproval, or amendment by a county commission, appointing entity, or county board of education shall mean and include any order or directive issued by a local health officer solely under any independent authority of the local health officer or local health board which operates as a rule or a policy affecting multiple people within the jurisdiction subject to rules of the local board of health, including, but not limited to, any order made and entered by a local health officer on or after the effective date of the amendments to § 16-2-11 during the regular session of the Legislature, 2021, and any such order or directive issued by a local health officer shall be null and void which is not approved by the county commission, appointing entity, or county board of education, as applicable, within thirty days following the effective date of the reenactment of § 16-2-11 during the third extraordinary session of the Legislature in 2021; and to provide, by amending § 16-2-13, by adding thereto a new subsection designated (c), that any order or directive issued by a local health officer solely under any independent authority of the local health officer or local health board which operates as a rule or a policy affecting multiple people within the jurisdiction subject to rules of the local board of health, including, but not limited to, any such order made and entered by a local health officer on or after the effective date of the amendments to § 16-2-11 of the West Virginia Code during the regular session of the Legislature, 2021, shall be subject to approval, disapproval, or amendment by a county commission, appointing entity, or county board of education pursuant to § 16-2-11 of this code within thirty days following the effective date of the reenactment of this section in the third extraordinary session of the Legislature in 2021.

THIRTY-SECOND: To amend and reenact § 6-7-2A of the Code of West Virginia, 1931, as amended, relating to the statutory salary of the Director of the West Virginia Lottery Commission.

THIRTY-THIRD: To amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated § 51-1-23, relating to creating a special revenue fund designated the Court Facilities Maintenance Fund to be administered by the West

Virginia Supreme Court of Appeals; the fund to consist of moneys received from rent or other payments from tenants leasing space owned by the Supreme Court of Appeals of West Virginia; all moneys deposited into the State Treasury and credited to the Court Facilities Maintenance Fund to be used to offset the cost to maintain property owned by the Supreme Court of Appeals of West Virginia; and all moneys collected by the administrator of the Supreme Court of Appeals from rent or other payments from tenants leasing space owned by the Supreme Court of Appeals of West Virginia to be deposited into the Court Facilities Maintenance Fund, expenditures from the fund to be used to offset the cost to maintain property owned by the Supreme Court of Appeals of West Virginia and such expenditures not to be authorized from collections but to be made only in accordance with appropriation by the Legislature in accordance with article three, chapter twelve of the West Virginia Code and upon fulfillment of the requirements of article two, chapter eleven-b of the West Virginia Code.

THIRTY-FOURTH: To amend and reenact § 23-5-12a of the Code of West Virginia, 1931, as amended; to amend and reenact § 51-2A-24 of said code; to amend and reenact § 51-11-3, § 51-11-4, § 51-11-6, and § 51-11-8 of said code; and to amend and reenact § 58-5-1 of said code, all relating to updating provisions establishing the Intermediate Court of Appeals; to correct a citation respecting the right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals with respect to workers' compensation claims; to provide that appeals of judgements or final orders entered by family courts in domestic violence proceedings must first be made to circuit court; to provide for circuit court jurisdiction over appeals of judgements or final orders entered by family courts in domestic violence proceedings; to remove language establishing the Intermediate Court of Appeals as a court of record; to modify the prohibition on sitting Intermediate Court of Appeals Judges retaining their seat upon becoming a candidate or pre-candidate for any elected public office to prohibit sitting Intermediate Court of Appeals Judges only from retaining their seat upon becoming a candidate or pre-candidate for any nonjudicial, elected public office; to authorize the Intermediate Court of Appeals to be located in a fixed or virtual

location in facilities provided by the Administrative Director of the Supreme Court; to provide an exception to appellate jurisdiction of the Intermediate Court of Appeals with respect to final judgments or final orders issued by family courts in domestic violence proceedings; to exclude from the appellate jurisdiction of the Intermediate Court of Appeals all appeals of judgments or final orders issued by family courts in domestic violence proceedings; to authorize individuals appointed to serve as judges of the Intermediate Court of Appeals to take the oath and commence duties on or before July 1, 2022; to authorize contractual arrangements for use of facilities by the Intermediate Court of Appeals to include physical or virtual spaces; and to correct a citation respecting the right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals; and to make other technical corrections.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Eighth day of October, in the Year of our Lord, Two Thousand Twenty-One, and in the One Hundred Fifty-Ninth year of the State.

James Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State.

Bills Introduced

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

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

H. B. 303 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Bureau of Senior Services, Bureau of Senior Services, fund 8724, fiscal year 2022, organization 0508, by supplementing, amending and adding a new item of appropriation for the fiscal year ending June 30, 2022”; to the Committee on Finance.

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

H. B. 304 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Human Services – Energy Assistance, fund 8755, fiscal year 2022, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; to the Committee on Finance.

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

H. B. 305 - “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022 in the amount of \$2,000,000 from the Attorney General, Consumer Protection Recovery Fund, Fund 1509, Fiscal Year 2022, Organization 1500, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; to the Committee on Finance.

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

H. B. 306 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Agriculture, fund 8736, fiscal year 2022, organization 1400; by supplementing, amending and adding

a new item of appropriation for the fiscal year ending June 30, 2022”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 307 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Arts, Culture and History, Division of Culture and History, fund 8718, fiscal year 2022, organization 0432, by supplementing, amending and adding a new item of appropriation for the fiscal year ending June 30, 2022”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 308 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – Community Mental Health Services, fund 8794, fiscal year 2022, organization 0506; by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 309 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 8723, fiscal year 2022, organization 0506; by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 310 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal

monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health - Central Office fund 8802, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 311 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2022, organization 0511; by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 312 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – Substance Abuse Prevention and Treatment, fund 8793, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 313 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Arts, Culture and History, Educational Broadcasting Authority, fund 8721, fiscal year 2022, organization 0439, by supplementing, amending and adding a new item of appropriation for the fiscal year ending June 30, 2022”; to the Committee on Finance.

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

H. B. 314 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Arts, Culture and History, Library Commission, fund 8720, fiscal year 2022, organization 0433, by supplementing, amending and adding a new item of appropriation for the fiscal year ending June 30, 2022”; to the Committee on Finance.

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

H. B. 315 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Veterans’ Assistance, Department of Veterans’ Assistance, fund 8858, fiscal year 2022, organization 0613, by supplementing, amending and adding a new item of appropriation for the fiscal year ending June 30, 2022”; to the Committee on Finance.

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

H. B. 316 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Veterans’ Assistance – Veterans’ Home, fund 8728, fiscal year 2022, organization 0618, by supplementing, amending and adding a new item of appropriation for the fiscal year ending June 30, 2022”; to the Committee on Finance.

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

H. B. 317 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Arts, Culture and History, Commission for National and Community Service, fund 8841,

fiscal year 2022, organization 0432; by supplementing, amending and adding a new item of appropriation for the fiscal year ending June 30, 2022”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 318 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Arts, Culture and History, Division of Culture and History, fund 0293, fiscal year 2022, organization 0432, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 319 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; to the Committee on Finance.

By Delegate Hanshaw (Mr. Speaker)

[By Request of the Executive]:

H. B. 320 - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, by adding a new item of appropriation and increasing the expenditure, to the Department of Education, State Board of Education, State Department of Education, fund 0313, fiscal year 2022, organization 0402, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022”; to the Committee on Finance.

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

H. B. 321 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Executive, Governor’s Office – Civil Contingent Fund, fund 0105, fiscal year 2022, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; to the Committee on Finance.

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

H. B. 322 - “A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Administration, Division of Personnel, fund 0206, fiscal year 2022, organization 0222, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022”; to the Committee on Finance.

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

H. B. 323 - “A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Public Port Authority, fund 0581, fiscal year 2022, organization 0806, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022”; to the Committee on Finance.

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

H. B. 324 - “A Bill making a supplementary appropriation of public monies out of the Treasury from the balance of monies remaining unappropriated for the fiscal year ending June 30, 2022,

to the Department of Transportation, Office of Administrative Hearings, fund 9027, fiscal year 2022, organization 0808, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022”; to the Committee on Finance.

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

H. B. 325 - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Transportation, Public Port Authority, Special Railroad and Intermodal Enhancement Fund, fund 8254, fiscal year 2022, organization 0806, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022”; to the Committee on Finance.

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

H. B. 326 - “A Bill supplementing and amending chapter eleven, Acts of the Legislature, Regular Session, 2021, known as the budget bill, supplementing and amending appropriations in Title II, section 12 for the fiscal year ending June 30, 2022”; to the Committee on Finance.

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

H. B. 327 - “A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to clarifying the manner in which an application fee is to be paid for a West Virginia resident to obtain state license to carry a concealed deadly weapon; raising the fee to \$50; requiring half of the application fee collected be deposited into the State Treasury and credited to the account of the State Police; and excluding honorably discharged, resident veterans of the reserve and National Guard from payment of the application fee”; to the Committee on Finance.

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

H. B. 328 - “A Bill to amend and reenact §16-48-3, §16-48-4, and §16-48-6 of the Code of West Virginia, 1931, as amended, all

relating generally to the West Virginia ABLE Act; defining terms; authorizing the State Treasurer to promulgate emergency rules; permitting a person with signature authority, according to federal law, to open and manage an account on behalf of a designated beneficiary; and clarifying that the State Treasurer may require an application to open an ABLE account”; to the Committee on Finance.

By Delegate Hanshaw (Mr. Speaker)

[By Request of the Executive]:

H. B. 329 - “A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to taxation of the sale of certain aircraft; exempting from consumer sales and service tax the sale of aircraft sold in this state and registered in another state and removed from this state within 60 days; and providing conditions of exemption”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 330 - “A Bill to repeal §29-32-3 and §29-32-4 of the Code of West Virginia, 1931, as amended, and to amend and reenact §29-32-1, §29-32-2, and §29-32-5 of said code, all relating to establishing Medal of Valor for emergency medical service personnel, firefighters, and law-enforcement officers; establishing Medal of Valor and criteria for awarding it; establishing First Responders Honor Board within Department of Homeland Security; defining persons whom board may recommend to receive Medal of Valor; establishing criteria for board membership; setting term of board membership; requiring board meet at least annually and provide notice thereof; providing for election of board chair and defining quorum; mandating nominations for Medal of Valor be submitted by the first day of next regular session of Legislature”; to the Committee on Government Organization.

By Delegate Hanshaw (Mr. Speaker)

[By Request of the Executive]:

H. B. 331 - “A Bill to amend and reenact §16-2-11 and §16-2-13 of the Code of West Virginia, 1931, as amended, all relating to the role of appointing authorities or county boards of education as to the rules of local boards of health; providing that any rule

adopted or established by a local board of health on which no action is taken by an appointing authority to approve, disapprove or amend the rule within 30 days after the rule is effective, is void; providing that, with respect to any rule adopted or established by a local board of health which solely applies to and affects public schools, such rule shall be approved, disapproved, or amended by the county board of education, instead of the appointing authority, within 30 days of approval of the rule by the local board of health, and any such rule on which no action is taken by the county board of education within 30 days after the rule is effective, is void; providing that, if there is an imminent public health emergency, approval of the appointing authority or county board of education is not necessary before the rule goes into effect, but the rule shall be approved or disapproved by the appointing authority or county board of education within 30 days after the rule is effective, and any rule on which the appointing authority or county board of education has taken no action within 30 days shall be void; providing that a rule or rules subject to approval, disapproval, or amendment by an appointing authority or county board of education shall mean and include any order or directive issued by a local health officer which operates as a rule or a policy affecting multiple people as a class within the jurisdiction subject to rules of the local board of health, including, but not limited to, any order made and entered by a local health officer on or after the effective date of the amendments to this section during the regular session of the Legislature, 2021, and any such order or directive issued by a local health officer shall be null and void if not approved by the appointing authority within 30 days following the effective date of the reenactment of this section during the third extraordinary session of the Legislature in 2021; and making technical changes”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Hanshaw (Mr. Speaker)

[By Request of the Executive]:

H. B. 332 - “A Bill to amend and reenact §6-7-2A of the Code of West Virginia, 1931, as amended, relating to the statutory salary of the Director of the West Virginia Lottery Commission”; to the Committee on Finance.

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

H. B. 333 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-1-23, relating to the creation and use of a Court Facilities Maintenance Fund”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Skaff:

H. B. 334 - “A Bill to amend and reenact §23-5-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §51-2A-24 of said code; to amend and reenact §51-11-3, §51-11-4, §51-11-6, and §51-11-8 of said code; and to amend and reenact §58-5-1 of said code, all relating to updating provisions establishing the Intermediate Court of Appeals; correcting a citation respecting right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals with respect to workers’ compensation claims; providing that appeals of judgements or final orders entered by family courts in domestic violence proceedings must first be made to circuit court; providing for circuit court jurisdiction over appeals of judgements or final orders entered by family courts in domestic violence proceedings; removing language establishing Intermediate Court of Appeals as a court of record; modifying prohibition on sitting Intermediate Court of Appeals Judges to retain seat upon becoming a candidate or pre-candidate for any nonjudicial, elected public office; authorizing Intermediate Court of Appeals to be located in a fixed or virtual location; providing an exception to appellate jurisdiction of the Intermediate Court of Appeals with respect to final judgments or final orders issued by family courts in domestic violence proceedings; excluding from the appellate jurisdiction of the Intermediate Court of Appeals all appeals of judgments or final orders issued by family courts in domestic violence proceedings; authorizing individuals appointed to serve as judges of the Intermediate Court of Appeals to take oath and commence duties on or before July 1, 2022; authorizing contractual arrangements for use of facilities by Intermediate Court of Appeals to include physical or virtual spaces; correcting a citation respecting right to seek review by the Supreme Court of Appeals of a final decision

of the Intermediate Court of Appeals; and making other technical corrections”; to the Committee on the Judiciary.

At 11:37 a.m., on motion of Delegate Summers, the House of Delegates recessed until 6:00 p.m.

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Evening Session

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The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

At the request of Delegate Summers, and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

H. B. 334, Updating provisions establishing the Intermediate Court of Appeals,

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

Com. Sub. for H. B. 334 – “A Bill to amend and reenact §23-5-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §51-2A-24 of said code; to amend and reenact §51-11-3, §51-11-4, §51-11-6, and §51-11-8 of said code; and to amend and reenact §58-5-1 of said code, all relating to updating provisions establishing the Intermediate Court of Appeals; correcting a citation respecting right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals with respect to workers’ compensation claims; providing that appeals of judgments or final orders entered by family courts in

domestic violence proceedings must first be made to circuit court; providing for circuit court jurisdiction over appeals of judgments or final orders entered by family courts in domestic violence proceedings; removing language establishing Intermediate Court of Appeals as a court of record; modifying prohibition on sitting Intermediate Court of Appeals Judges retaining seat upon becoming a candidate or pre-candidate for any nonjudicial elected public office; authorizing Intermediate Court of Appeals to be located in a fixed or virtual location; providing an exception to appellate jurisdiction of the Intermediate Court of Appeals with respect to final judgments or final orders issued by family courts in domestic violence proceedings; excluding from the appellate jurisdiction of the Intermediate Court of Appeals all appeals of judgments or final orders issued by family courts in domestic violence proceedings; authorizing individuals appointed and confirmed to serve as judges of the Intermediate Court of Appeals to take oath and commence duties on May 1, 2022; authorizing contractual arrangements for use of facilities by Intermediate Court of Appeals to include physical or virtual spaces; correcting a citation respecting right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals; and making other technical corrections.”

With the recommendation that the committee substitute do pass.

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 334) was taken up for immediate consideration, read a first time and ordered to second reading.

At the request of Delegate Summers, and by unanimous consent, the House of Delegates returned to the Fourth Order of Business for the purpose of receiving select committee reports.

Select Committee Reports

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

By Delegates Howell, Anderson, Espinosa, Householder, Linville, Rohrbach, Statler, Steele and Summers:

H. B. 301 - “A Bill to amend and reenact §1-2-2 and §1-2-2b of the Code of West Virginia, 1931, as amended, all relating to the apportionment of membership of the House of Delegates; defining terms; specifying delegate districts; providing for retention of delegates in office until their current terms expire; requiring incidental precinct boundary and magisterial district changes in certain circumstances, and specifying notice requirements to adopt those changes.”

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 301) was taken up for immediate consideration, read a first time and ordered to second reading.

Leaves of Absence

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

Delegates Keaton and Thompson were absent during the quorum call but were present for a portion of the floor proceedings.

At 6:08 p.m., the House of Delegates adjourned until 12:00 noon, Tuesday, October 12, 2021.

Tuesday, October 12, 2021

SECOND DAY

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

The House of Delegates met at 12:00 noon, and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Monday, October 11, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Government Organization has had under consideration:

H. B. 330, Relating to establishing Medal of Valor for emergency medical service personnel, firefighters, and law-enforcement officers,

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

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 330) was taken up for immediate consideration, read a first time and ordered to second reading.

Special Calendar

Second Reading

H. B. 301, Reapportioning House of Delegates Districts; on second reading, coming up in regular order, was read a second time.

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

Com. Sub. for H. B. 334, Updating provisions establishing the Intermediate Court of Appeals; on second reading, coming up in regular order, was read a second time.

Delegate Fast moved to amend the bill on page 6, section 3, line 33, after the word “code”, by inserting the following:

“Virtual hearings shall only be conducted in lieu of an in-person oral hearing, in circumstances wherein health, safety, or other exigent circumstances exists preventing in-person hearings.”

And,

On page 11, section 8, line 19, immediately following the second occurrence of the word “state” and the period, by inserting the following:

“Virtual hearings shall only be conducted in lieu of an in-person oral hearing, in circumstances wherein health, safety, or other exigent circumstances exists preventing in-person hearings.”

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. 751**), and there were—yeas 22, nays 77, absent and not voting 1, with the yeas and the absent and not voting being as follows:

Yeas: Bridges, Bruce, Fast, Gearheart, Hanna, J. Jeffries, Jennings, Longanacre, Mallow, Mandt, Martin, Mazzocchi, McGeehan, Miller, Paynter, Phillips, Pushkin, Sypolt, Toney, Tully, B. Ward and G. Ward.

Absent and Not Voting: Pack.

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

The bill was then ordered to third reading.

At 12:20 p.m., on motion of Delegate Summers, the House of Delegates recessed until 2:00 p.m.

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Mid-Afternoon Session

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The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

At the request of Delegate Summers, and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 303, Making supplemental appropriation of federal funds to Bureau of Senior Services,

H. B. 304, Making supplemental appropriation of federal funds to Division of Human Services Energy Assistance Fund,

H. B. 305, Expiring funds to unappropriated surplus balance from Consumer Protection Recovery Fund,

H. B. 306, Making supplemental appropriation of federal funds to Department of Agriculture,

H. B. 307, Making supplemental appropriation of federal funds to the Division of Culture and History,

H. B. 308, Making supplemental appropriation of federal funds to Community Mental Health Services fund,

H. B. 309, Making supplemental appropriation of federal funds to Consolidated Medical Services Fund,

H. B. 310, Making supplemental appropriation of federal funds to Division of Health Central Office Fund,

H. B. 311, Making supplemental appropriation of federal funds to Division of Human Services,

H. B. 312, Making supplemental appropriation of federal funds to Division of Health - Substance Abuse Prevention and Treatment,

H. B. 313, Making supplemental appropriation of federal funds to Educational Broadcasting Authority,

H. B. 314, Making supplemental appropriation of federal funds to Library Commission,

H. B. 315, Making supplemental appropriation of federal funds to Department of Veterans Assistance,

H. B. 316, Making supplemental appropriation of federal funds to Department of Veterans Assistance - Veterans Home,

H. B. 317, Making supplemental appropriation of federal funds to Commission for National and Community Service,

H. B. 318, Making supplemental appropriation to Division of Culture and History,

H. B. 319, Making supplemental appropriation to Department of Economic Development,

H. B. 320, Making supplemental appropriation to State Department of Education,

H. B. 321, Making supplemental appropriation to Governor's Office Civil Contingent Fund,

H. B. 322, Making supplemental appropriation to Division of Personnel,

H. B. 323, Making supplemental appropriation to Department of Transportation Public Port Authority,

H. B. 324, Making supplemental appropriation to Department of Transportation Office of Administrative Hearings,

H. B. 325, Making supplemental appropriation to Special Railroad and Intermodal Enhancement Fund,

H. B. 326, Supplementing and amending the Budget Bill,

And,

H. B. 328, Relating generally to the West Virginia ABLE Act,

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

At the respective requests of Delegate Summers, and by unanimous consent, the bills (H. B. 303, H. B. 304, H. B. 305, H. B. 306, H. B. 307, H. B. 308, H. B. 309, H. B. 310, H. B. 311, H. B. 312, H. B. 313, H. B. 314, H. B. 315, H. B. 316, H. B. 317, H. B. 318, H. B. 319, H. B. 320, H. B. 321, H. B. 322, H. B. 323, H. B. 324, H. B. 325, H. B. 326 and H. B. 328) were each taken up for immediate consideration, read a first time and ordered to second reading.

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. 327, Clarifying the manner in which an application fee is to be paid for a West Virginia resident to obtain state license to carry a concealed deadly weapon,

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

Com. Sub. for H. B. 327 - “A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to clarifying the manner in which an application fee is to be paid for a West Virginia resident to obtain a state license to carry a concealed deadly weapon; raising the fee to \$50; requiring half of the application fee collected be deposited into the State Treasury and credited to the account of the State Police; eliminating \$25 processing fee; and excluding honorably discharged, resident veterans of the reserve and National Guard from payment of the application fee.”

And,

H. B. 332, Relating to the statutory salary of the Director of Lottery Commission,

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

Com. Sub. for H. B. 332 – “A bill to amend and reenact §6-7-2A of the Code of West Virginia, 1931, as amended, relating to increasing the statutory salary of the Lottery Director; correcting the title of the state appointive official; adding clarifying language; and providing that the amendment and reenactment of the section shall not operate to reduce the salary of any appointive state officer whose salary has been increased since July 1, 2020.”

With the recommendation that the committee substitutes each do pass.

At the respective requests of Delegate Summers, and by unanimous consent, the bills (Com. Sub. for H. B. 327 and Com. Sub. for H. B. 332) were each taken up for immediate consideration, read a first time and ordered to second reading.

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. 329, Exempting from consumer sales and service tax the sale of aircraft sold in this state and registered in another state and removed from this state within 60 days,

And,

H. B. 333, Creating the Court Facilities Maintenance Fund.

And reports the same back, with title amendments, with the recommendation that they each do pass, as amended.

At the respective requests of Delegate Summers, and by unanimous consent, the bills (H. B. 329 and H. B. 333) were each taken up for immediate consideration, read a first time and ordered to second reading.

At 2:15 p.m., on motion of Delegate Summers, the House of Delegates recessed until 3:30 p.m.

* * * * *

Late Afternoon Session

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The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

At the request of Delegate Summers, and by unanimous consent, the House of Delegates returned to the Fourth Order of Business for the purpose of receiving select committee reports.

Select Committee Reports

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

By Delegate Howell:

H. B. 302 - "A Bill to amend §1-2-3 of the Code of West Virginia, 1931, as amended, relating to reapportionment of the

counties of this state into congressional districts following the 2020 decennial census.”

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 302) was taken up for immediate consideration, read a first time and ordered to second reading.

Leaves of Absence

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

Miscellaneous Business

At 3:42 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, October 13, 2021.

Wednesday, October 13, 2021

THIRD DAY

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

The House of Delegates 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 Tuesday, October 12, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Messages from the Executive

Proclamations of His Excellency, the Governor, amending the Proclamation convening the Legislature in extraordinary session, were laid before the House of Delegates and read by the Clerk.

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby **AMEND** the proclamation dated October 8, 2021, calling the West Virginia Legislature to convene in Extraordinary Session on Monday, October 11, 2021, in its chambers in the State Capitol, the City of Charleston, as follows:

1. By adding items thirty-five and thirty-six as follows:

THIRTY-FIFTH: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Justice and Community Services, fund 0546, fiscal year 2022, organization 0623, by supplementing and amending the appropriation for Current Expenses, appropriation 13000, in the amount of \$4,000,000, for the fiscal year ending June 30, 2022.

THIRTY-SIXTH: To amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated § 16-3-4b, relating to required exemptions to compulsory immunization against COVID-19 as a condition of employment; to provide that, (a) a covered employer, as defined in the section, that requires as a condition of continued employment or as a condition of hiring an individual for employment that such person receive a COVID-19 immunization or present documentation of immunization from COVID-19, shall exempt current or prospective employees from such immunization requirements upon the presentation of one of the following certifications: (1) a certification presented to the covered employer, signed by a physician licensed pursuant to the provisions of § 30-3-1 *et seq.* or § 30-14-1 *et seq.* of the code or an advanced practice registered nurse licensed pursuant to the provisions of § 30-7-1 *et seq.* of the code, who has conducted an in-person examination of the employee or prospective employee, stating that the physical condition of the current or prospective employee is such that a COVID-19 immunization is contraindicated, there exists a specific precaution to the mandated vaccine, or the current or prospective employee has developed COVID-19 antibodies from being exposed to the COVID-19 virus or suffered from and has recovered from the COVID-19 virus, or (2) a notarized certification executed by the employee or prospective employee that is presented to the covered employer by the current or prospective employee that he or she has religious beliefs that prevent the current or prospective employee from taking the COVID-19 immunization; to provide that, (b) a covered employer shall not be permitted to penalize or discriminate against current or prospective employees for exercising exemption rights provided in this section by practices including, but not limited to,

benefits decisions, hiring, firing, or withholding bonuses, pay raises, or promotions; to provide that, (c) as used in this section, the following terms shall have the following meanings: (1) “covered employer” shall mean: (A) the State of West Virginia, including any department, division, agency, bureau, board, commission, office or authority thereof, any political subdivision of the State of West Virginia including, but not limited to, any county, municipality or school district, that has employees, or (B) a business entity, including without limitation any individual, firm, partnership, joint venture, association, corporation, company, estate, trust, business trust, receiver, syndicate, club, society, or other group or combination acting as a unit, engaged in any business activity in this state, including for-profit or not-for-profit activity, that has employees, (2) “COVID-19” shall mean the respiratory disease caused by a novel coronavirus known as COVID-19, (3) “Immunization” shall mean any federally authorized immunization for COVID-19, whether fully approved or approved under an emergency use authorization; to provide that, (d) any person or entity harmed by a violation of this section may seek injunctive relief in a court of competent jurisdiction; to provide that, (e) the provisions of this section shall become effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Twelfth day of October, in the Year of our Lord, Two Thousand Twenty-One, and in the One Hundred Fifty-Ninth Year of the State.

James Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State.

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby **AMEND** the proclamation dated October 8, 2021, calling the West Virginia Legislature to convene in Extraordinary Session on Monday, October 11, 2021, in its chambers in the State Capitol, the City of Charleston, as follows:

2. By deleting the Thirty-First item in its entirety and replacing it with the following:

THIRTY-FIRST: To amend and reenact §§ 16-2-2, 16-2-11, and 16-2-13 of the Code of West Virginia, 1931, as amended, all relating to the role of local county commissions or appointing entities as to rules of local health boards; by amending § 16-2-2 to provide that “enforcement activity” means the implementation or enforcement of applicable state rules, local rules, and local health department rules, to provide that “enhanced public health services” means services that focus on health promotion activities to address a major health problem in a community, are targeted to a particular population and assist individuals in this population to access the health care system, such as lead and radon abatement for indoor air quality and positive pregnancy tracking, and that enhanced public health services are services a local health department may offer, to provide that “health order” means an order issued by the local health officer or local health board to protect the public health of the citizens by directing an individual or a discreet group of individuals to take a specific action to protect the health of the public or stop the spread of a communicable disease, to provide that “imminent public health emergency” means any immediate acute threat, hazard, or danger to the health of the population of the jurisdiction, whether specific or general, whether or not officially declared, to provide that “guidance” means providing advice to a

person, the public, a business, school board, or governmental entity regarding a public health issue or matter, and that guidance is not a health order, to provide that “local health department rule” means a rule issued by the local board of health that has been approved by the appointing authority, a rule issued by the local board of health that was adopted prior to March 4, 2021, or a rule issued by the local board of health that may immediately go into effect because of an imminent public health emergency under the provisions of §16-2-11(b)(3)(H) of the code, to provide that “local rule” means an order adopted by a county commission or an ordinance adopted by a city that properly directs the local health department to implement or enforce the order or ordinance, to provide that “state rule” means a state statute, a legislative rule promulgated by a state agency, or an order of the secretary relating to public health that is to be enforced by the local health department; to provide, by amending § 16-2-11(b)(3)(A), that a local board of health may adopt and promulgate and from time to time amend local health department rules consistent with state rules that are necessary and proper for the protection of the general health of the service area and the prevention of the introduction, propagation, and spread of disease; to provide, by amending § 16-2-11(b)(3)(B), that the commissioner shall establish a procedure by which adverse determinations by local health departments may be appealed, unless otherwise provided for, for the purpose of ensuring a consistent interpretation of state rules; to provide, by amending § 16-2-11(b)(3)(C) that when local health department rules are adopted, promulgated, or amended, the local board of health shall place notice in the State Register and on their organization’s web page setting forth a notice of proposed action, including the text of the new local health department rule or the amendment and the date, time, and place for receipt of public comment; to provide, by amending § 16-2-11(b)(3)(D), that all local health department rules shall be approved, disapproved, or amended and approved by the county commission or appointing authority within 30 days of approval from the local board of health, and any local health department rule on which the appointing authority has taken no action within 30 days shall be void; to provide, by amending § 16-2-11(b)(3)(E), that all local health department rules of a combined local board of health shall be approved, disapproved, or amended

and approved by each appointing authority within 30 days of approval from the combined local board of health. If one appointing authority approves and another other does not approve a local health department rule from a combined local board health department, the local health department rule is only in effect in the jurisdiction of the appointing authority which approved the local health department rule; to provide, by amending § 16-2-11(b)(3)(F), that an approved local health department rule shall be filed with the clerk of the county commission or the clerk or the recorder of the municipality, or both, and shall be kept by the clerk or recording officer in a separate book as public records; to provide, by amending § 16-2-11(b)(3)(G), that a local health department rule currently in effect on March 4, 2021, is not subject to approval, unless amended, from the county commission or appointing authority; to provide, by amending § 16-2-11(b)(3)(H), that if there is an imminent public health emergency, approval of the county commission or appointing authority is not necessary before the local health department rule goes into effect but shall be approved or disapproved by the county commission or appointing authority within 30 days after the local health department rules are effective, and any rule on which the appointing authority has taken no action within 30 days shall be void; to provide, by amending § 16-2-13(a), that a local health officer serves as the executive officer of the local board and under its supervision, a local health officer shall administer and enforce state rules, local rules, and local health department rules within the local board of health's service area; and by amending § 16-2-13 by adding thereto new subsections designated (c), (d), and (e), to provide that a local health officer shall perform enforcement activity, that a local health officer may issue guidance, and that a local health officer may issue an order, respectively.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Thirteenth day of October, in the Year of our Lord, Two Thousand Twenty-One, and in the One Hundred Fifty-Ninth year of the State.

James Justice,
Governor.

By the Governor
Mac Warner,

Secretary of State.

Bills Introduced

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

By Delegate Summers

[By Request of the Executive]:

H. B. 335 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4b, relating to COVID-19 immunizations requirements for employment in the public and private sectors; providing for exemptions; setting forth a process and an exemption for medical contraindications; setting forth a process and an exemption for those with religious beliefs that prevent an employee or prospective employee from taking a COVID-19 vaccine; prohibiting discrimination for exercising an exemption; defining terms; providing for injunctive relief in the event of a violation of the section; and setting forth an effective date”; to the Committee on Government Organization.

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]:

H. B. 336 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Homeland

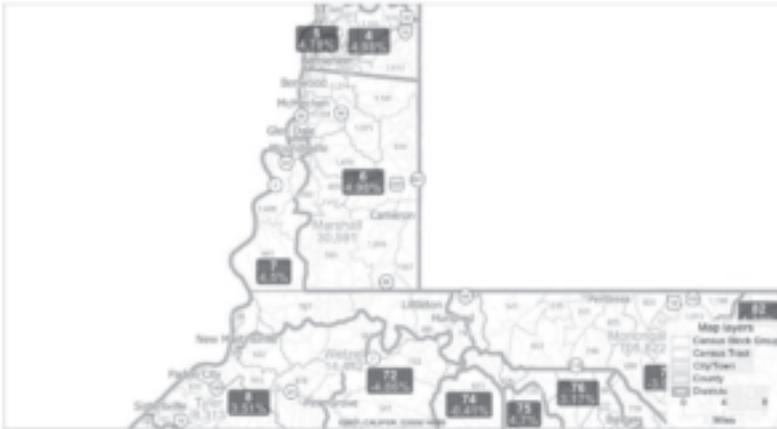
Security, Division of Justice and Community Services, fund 0546, fiscal year 2022, organization 0623, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022”; to the Committee on Finance.

Special Calendar

Third Reading

H. B. 301, Reapportioning House of Delegates Districts; on third reading, coming up in regular order, with amendments pending and the general right to amend, was reported by the Clerk.

The Clerk reported an amendment, offered by Delegate Zukoff and submitted as the following map:



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. 752**), and there were—yeas 25, nays 73, absent and not voting 2, with the yeas and the absent and not voting being as follows:

Yeas: Anderson, Barach, Boggs, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen,

Hornbuckle, Lovejoy, McGeehan, Pethtel, Pushkin, Rowe, Skaff, Storch, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Capito and Pack.

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

The Clerk reported an amendment, offered by Delegate Hornbuckle and submitted as the following map:



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

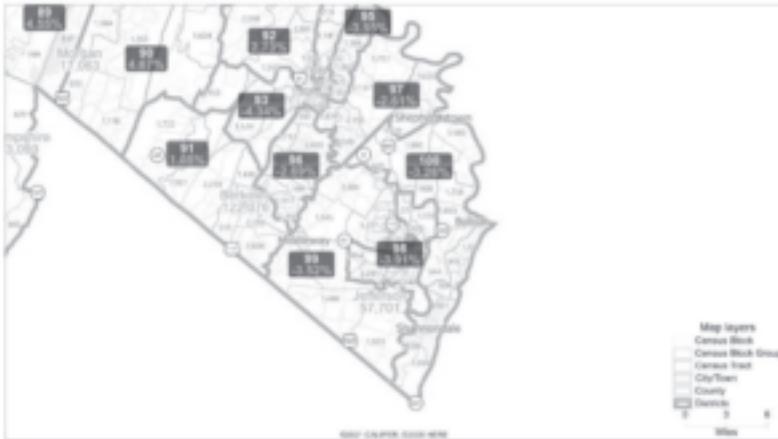
The yeas and nays having been ordered, they were taken (**Roll No. 753**), and there were—yeas 22, nays 76, absent and not voting 2, with the yeas and the absent and not voting being as follows:

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

Absent and Not Voting: Capito and Pack.

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

The Clerk reported an amendment, offered by Delegate Doyle and submitted as the following map:



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

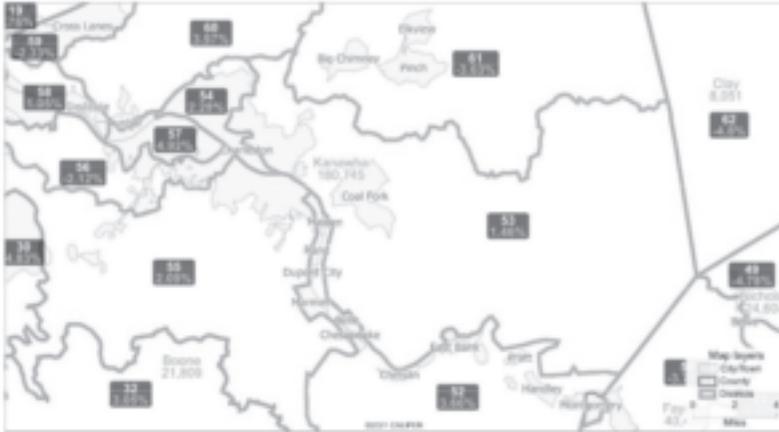
The yeas and nays having been ordered, they were taken (**Roll No. 754**), and there were—yeas 22, nays 76, absent and not voting 2, with the yeas and the absent and not voting being as follows:

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

Absent and Not Voting: Capito and Pack.

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

The Clerk reported an amendment, offered by Delegates Barach and Pushkin and submitted as the following map:



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. 755**), and there were—yeas 22, nays 76, absent and not voting 2, with the yeas and the absent and not voting being as follows:

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

Absent and Not Voting: Capito and Pack.

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

The Clerk reported an amendment, offered by Delegates Fleischauer and Barach and submitted as the following map:



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. 756**), and there were—yeas 20, nays 78, absent and not voting 2, with the yeas and the absent and not voting being as follows:

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

Absent and Not Voting: Capito and Pack.

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

The Clerk reported an amendment, offered by Delegate Young and submitted as the following map:



The question being on the adoption of the amendment, the same was put and did not prevail.

There being no further amendments, and having been engrossed, the bill was read a third time.

The question being on the adoption of the amendment, the same was put and did not prevail.

There being no further amendments, and having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 757**), and there were—yeas 79, nays 20, absent and not voting 1, with the yeas and the absent and not voting being as follows:

Nays: Barach, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Griffith, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Walker, Williams, Worrell, Young and Zukoff.

Absent and Not Voting: Pack.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 301) 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. 334, Updating provisions establishing the Intermediate Court of Appeals; 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. 758**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hanna and Pack.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 334) passed.

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

Second Reading

H. B. 302, Reapportioning Congressional Districts; on second reading, coming up in regular order, was read a second time.

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

H. B. 303, Making supplemental appropriation of federal funds to Bureau of Senior Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 304, Making supplemental appropriation of federal funds to Division of Human Services Energy Assistance Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 305, Expiring funds to unappropriated surplus balance from Consumer Protection Recovery Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 306, Making supplemental appropriation of federal funds to Department of Agriculture; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 307, Making supplemental appropriation of federal funds to the Division of Culture and History; on second reading, coming

up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 308, Making supplemental appropriation of federal funds to Community Mental Health Services fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 309, Making supplemental appropriation of federal funds to Consolidated Medical Services Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 310, Making supplemental appropriation of federal funds to Division of Health Central Office Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 311, Making supplemental appropriation of federal funds to Division of Human Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 312, Making supplemental appropriation of federal funds to Division of Health - Substance Abuse Prevention and Treatment; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 313, Making supplemental appropriation of federal funds to Educational Broadcasting Authority; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 314, Making supplemental appropriation of federal funds to Library Commission; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 315, Making supplemental appropriation of federal funds to Department of Veterans Assistance; on second reading, coming

up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 316, Making supplemental appropriation of federal funds to Department of Veterans Assistance - Veterans Home; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 317, Making supplemental appropriation of federal funds to Commission for National and Community Service; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 318, Making supplemental appropriation to Division of Culture and History; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 319, Making supplemental appropriation to Department of Economic Development; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 320, Making supplemental appropriation to State Department of Education; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 321, Making supplemental appropriation to Governor's Office Civil Contingent Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 322, Making supplemental appropriation to Division of Personnel; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 323, Making supplemental appropriation to Department of Transportation Public Port Authority; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 324, Making supplemental appropriation to Department of Transportation Office of Administrative Hearings; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 325, Making supplemental appropriation to Special Railroad and Intermodal Enhancement Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 326, Supplementing and amending the Budget Bill; 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. 327, Clarifying the manner in which an application fee is to be paid for a West Virginia resident to obtain a state license to carry a concealed deadly weapon; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 328, Relating generally to the West Virginia ABLE Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Householder, Foster, Rowe and Fleischauer, the bill was amended on page four, section four, beginning on line twenty-five, following the words “of this code”, by striking out the comma and the words “including emergency rules, if”.

The bill was then ordered to engrossment and third reading.

H. B. 329, Exempting from consumer sales and service tax the sale of aircraft sold in this state and registered in another state and removed from this state within 60 days; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 330, Relating to establishing Medal of Valor for emergency medical service personnel, firefighters, and law-enforcement officers; 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. 332, Relating to the statutory salary of the Director of Lottery Commission; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 333, Creating the Court Facilities Maintenance Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Delegate Rowe arose to a point of order regarding the constitutionality of amended Proclamations from the Governor. The Speaker replied that the prior practice of the House has been to observe the right of the Governor to issue an amended call and ruled that the point was not well taken.

At 1:55 p.m., on motion of Delegate Summers, the House of Delegates recessed until 3:30 p.m.

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Afternoon Session

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The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

At the request of Delegate Summers, and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 336, Supplementing and amending appropriations to the Department of Homeland Security, Division of Justice and Community Services,

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

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 336) was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 759**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Foster, Hamrick, Pack, Riley and Westfall.

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

The bill was then read a second time and ordered to engrossment and third reading. Having been engrossed, the bill was read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 760**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Hamrick, Pack, Riley and Westfall.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 336) passed.

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

On this question, the yeas and nays were taken (**Roll No. 761**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Hamrick, Pack, Riley and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 336) takes effect from its passage.

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

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

Your Committee on Government Organization has had under consideration:

H. B. 335, Relating to COVID-19 immunizations requirements for employment in the public and private sectors,

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

Delegate Zukoff moved that the bill be committed to the Committee on Health and Human Resources.

On this motion, the yeas and nays were demanded which demand was sustained.

On this question, the yeas and nays were taken (**Roll No. 762**), and there were—yeas 23, nays 74, absent and not voting 3, with the yeas and the absent and not voting being as follows:

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

Absent and Not Voting: Pack, Riley and Westfall.

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

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 335) was taken up for immediate consideration, read a first time and ordered to second reading.

Messages from the Senate

A message from the Senate, by

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

S. B. 3001 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Bureau of Senior Services, Bureau of Senior Services, fund 8724, fiscal year 2022, organization 0508, by supplementing, amending, and adding a new item of appropriation for the fiscal year ending June 30, 2022.”

Delegate Summers obtained unanimous consent for the bills on Messages from the Senate to be taken up for immediate consideration, committee references to be dispensed with, and for the bills to be read a first time.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3001) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3002 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources,

Division of Human Services – Energy Assistance, fund 8755, fiscal year 2022, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3002) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3003 - “A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022, in the amount of \$2,000,000 from the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2022, organization 1500, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3003) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3004 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Agriculture, fund 8736, fiscal year 2022, organization 1400, by supplementing, amending, and adding a new item of appropriation for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3004) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3005 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Arts, Culture, and History, Division of Culture and History, fund 8718, fiscal year 2022, organization 0432, by supplementing, amending, and adding a new item of appropriation for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3005) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3006 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – Community Mental Health Services, fund 8794, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3006) to a

committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3007 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 8723, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3007) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3008 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health - Central Office fund 8802, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3008) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3009 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2022, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3009) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3010 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Health and Human Resources, Division of Health – Substance Abuse Prevention and Treatment, fund 8793, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3010) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3011 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Arts, Culture, and History, Educational Broadcasting Authority, fund 8721, fiscal year 2022, organization 0439, by supplementing, amending, and adding a new item of appropriation for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3011) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3012 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Arts, Culture, and History, Library Commission, fund 8720, fiscal year 2022, organization 0433, by supplementing, amending, and adding a new item of appropriation for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3012) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3013 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Veterans’ Assistance, Department

of Veterans' Assistance, fund 8858, fiscal year 2022, organization 0613, by supplementing, amending, and adding a new item of appropriation for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3013) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3014 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Veterans' Assistance – Veterans' Home, fund 8728, fiscal year 2022, organization 0618, by supplementing, amending, and adding a new item of appropriation for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3014) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3015 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Arts, Culture, and History, Commission for National and Community Service, fund 8841, fiscal year 2022, organization 0432, by supplementing, amending, and adding a new item of appropriation for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3015) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3016 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Arts, Culture, and History, Division of Culture and History, fund 0293, fiscal year 2022, organization 0432, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3016) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3017 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3017) to a

committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3018 - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, by adding a new item of appropriation and increasing the expenditure, to the Department of Education, State Board of Education, State Department of Education, fund 0313, fiscal year 2022, organization 0402, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the Budget Bill, for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3018) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3019 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Executive, Governor’s Office – Civil Contingent Fund, fund 0105, fiscal year 2022, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3019) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3020 - “A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Administration, Division of Personnel, fund 0206, fiscal year 2022, organization 0222, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the Budget Bill, for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3020) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3021 - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Transportation, Public Port Authority, Special Railroad and Intermodal Enhancement Fund, fund 8254, fiscal year 2022, organization 0806, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the Budget Bill, for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3021) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3022 - “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Transportation, Office of Administrative Hearings, fund 9027, fiscal year 2022, organization 0808, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3022) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3023 - “A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Public Port Authority, fund 0581, fiscal year 2022, organization 0806, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the Budget Bill, for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3023) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3024 - “A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the Budget Bill, by supplementing and amending appropriations in Title II, Section 12, for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3024) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3025 - “A Bill to amend and reenact §16-48-3, §16-48-4, and §16-48-6 of the Code of West Virginia, 1931, as amended, all relating generally to the West Virginia ABLE Act; defining terms; authorizing the State Treasurer to promulgate emergency rules; permitting a person with signature authority, according to federal law, to open and manage an account on behalf of a designated beneficiary; and clarifying that the State Treasurer may require an application to open an ABLE account.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3025) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3027 - “A Bill to repeal §29-32-3 and §29-32-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-32-1, §29-32-2, and §29-32-5 of said code, all relating to establishing Medal of Valor for emergency medical service personnel, firefighters, and law-enforcement officers; establishing Medal of Valor and criteria; establishing First Responders Honor

Board within Department of Homeland Security; defining persons whom board may recommend to receive Medal of Valor; establishing criteria for board membership; setting term of board membership; requiring board meet at least annually and provide notice thereof; providing for election of board chair and defining quorum; and requiring nominations for Medal of Valor be submitted by the first day of next regular session of Legislature.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3027) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3028 - “A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to the statutory salary of the Director of the West Virginia Lottery Commission.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3028) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3029 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-1-23, relating to the creation and use of a Court Facilities Maintenance Fund.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3029) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3031 - "A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to taxation of the sale of certain aircraft; exempting from consumer sales and service tax the sale of aircraft sold in this state and registered in another state and removed from this state within 60 days; and providing conditions of exemption."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3031) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3032 - "A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to clarifying the manner in which an application fee is to be paid for a West Virginia resident to obtain a state license to carry a concealed deadly weapon; raising the fee to \$50; requiring half of the application fee collected be deposited into the State Treasury and credited to the account of the State Police; and excluding honorably discharged, resident veterans of the reserve and National Guard from payment of the application fee."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3032) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3033 - “A Bill to amend and reenact §1-2-3 of the Code of West Virginia, 1931, as amended, relating to the composition of congressional districts; and providing for congressional districts.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3033) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Leaves of Absence

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

Miscellaneous Business

Pursuant to House Rule 132, consent was obtained to print the following in the Appendix to the Journal:

- Delegate Pethtel regarding H. B. 301

At 4:50 p.m., the House of Delegates adjourned until 10:00 a.m., Thursday, October 14, 2021.

Thursday, October 14, 2021

FOURTH DAY

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

The House of Delegates 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, October 13, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Special Calendar

Third Reading

H. B. 302, Reapportioning Congressional Districts; on third reading, coming up in regular order was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, all bills currently on third reading (H. B. 302, H. B. 303, H. B. 304, H. B. 305, H. B. 306, H. B. 307, H. B. 308, H. B. 309, H. B. 310, H. B. 311, H. B. 312, H. B. 313, H. B. 314, H. B. 315, H. B. 316, H. B. 317, H. B. 318, H. B. 319, H. B. 320, H. B. 321, H. B. 322, H. B. 323, H. B. 324, H. B. 325, H. B. 326, Com. Sub. for H. B. 327, H. B. 328, H. B. 329, H. B. 330, Com. Sub. for H. B. 332 and H. B. 333) were postponed one day.

Second Reading

S. B. 3001, Making supplemental appropriation of federal funds to Bureau of Senior Services; on second reading, coming up in regular order, was read a second time and ordered to third reading.

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

On this question, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 764**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3001) passed.

Delegate Summers asked unanimous consent that the roll call (Roll No. 763) used to dispense with the constitutional rule requiring S. B. 3001 to be fully and distinctly read on three different days be made applicable to all bills on second reading except H. B. 335.

In the absence of objection, Delegate Summers reformed her request to also exclude S. B. 3018.

There being no objection, Roll No. 763 was used to dispense with the constitutional rule requiring bills to be fully and distinctly read on three different days for all bills on second reading except H. B. 335 and S. B. 3018.

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

On this question, the yeas and nays were taken (**Roll No. 765**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Graves, Griffith, Pack and Statler.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3001) takes effect from its passage.

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

S. B. 3002, Making supplemental appropriation of federal funds to DHS, Energy Assistance; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 766**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries.

Absent and Not Voting: Brown, Graves, Griffith, Pack and Statler.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3002) passed.

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

On this question, the yeas and nays were taken (**Roll No. 767**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Graves, Griffith, Pack and Statler.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3002) takes effect from its passage.

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

S. B. 3003, Expiring funds to unappropriated surplus balance from Consumer Protection Recovery Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 768**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Graves, Griffith, Pack and Statler.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3003) passed.

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

On this question, the yeas and nays were taken (**Roll No. 769**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Graves, Griffith, Pack and Statler.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3003) takes effect from its passage.

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

S. B. 3004, Making supplemental appropriation of federal funds to Department of Agriculture; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 770**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Graves, Griffith, Pack and Statler.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3004) passed.

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

On this question, the yeas and nays were taken (**Roll No. 771**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Graves, Griffith, Pack and Statler.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3004) takes effect from its passage.

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

S. B. 3005, Making supplemental appropriation of federal funds to Division of Culture and History; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 772**), and there were—yeas 91, nays 4, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries, Kimes, Longanacre and Paynter.

Absent and Not Voting: Brown, Graves, Griffith, Pack and Statler.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3005) passed.

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

On this question, the yeas and nays were taken (**Roll No. 773**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Graves, Griffith, Pack and Statler.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3005) takes effect from its passage.

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

S. B. 3006, Making supplemental appropriation of federal funds to Community Mental Health Services; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 774**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Graves, Griffith, Pack and Statler.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3006) passed.

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

On this question, the yeas and nays were taken (**Roll No. 775**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3006) takes effect from its passage.

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

S. B. 3007, Making supplemental appropriation of federal funds to Consolidated Medical Service Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 776**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Longanacre.

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3007) passed.

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

On this question, the yeas and nays were taken (**Roll No. 777**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3007) takes effect from its passage.

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

S. B. 3008, Making supplemental appropriation of federal funds to Division of Health, Central Office Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 778**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries and Longanacre.

Absent and Not Voting: Brown, Griffith, Pack, Statler and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3008) passed.

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

On this question, the yeas and nays were taken (**Roll No. 779**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Pack, Statler and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3008) takes effect from its passage.

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

S. B. 3009, Making supplemental appropriation of federal funds to Division of Human Services; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 780**), and there were—yeas 92, nays 4, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries, Linville, Longanacre and Paynter.

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3009) passed.

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

On this question, the yeas and nays were taken (**Roll No. 781**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3009) takes effect from its passage.

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

S. B. 3010, Making supplemental appropriation of federal funds to Division of Health, Substance Abuse Prevention and Treatment; on second reading, coming up in regular order, was read a second time and ordered to third reading

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 782**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries.

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3010) passed.

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

On this question, the yeas and nays were taken (**Roll No. 783**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3010) takes effect from its passage.

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

S. B. 3011, Making supplemental appropriation of federal funds to Educational Broadcasting Authority; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 784**), and there were—yeas 87, nays 9, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Cooper, Foster, J. Jeffries, Kimes, Longanacre, Mandt, Martin, Paynter and Pritt.

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3011) passed.

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

On this question, the yeas and nays were taken (**Roll No. 785**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Fast and Mandt.

Absent and Not Voting: Brown, Griffith, Howell, Pack and Statler.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3011) takes effect from its passage.

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

S. B. 3012, Making supplemental appropriation of federal funds to Library Commission; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 786**), and there were—yeas 94, nays 1, absent

and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Longanacre.

Absent and Not Voting: Brown, Griffith, Howell, Pack and Statler.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3012) passed.

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

On this question, the yeas and nays were taken (**Roll No. 787**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3012) takes effect from its passage.

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

S. B. 3013, Making supplemental appropriation of federal funds to Department of Veterans' Assistance; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 788**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3013) passed.

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

On this question, the yeas and nays were taken (**Roll No. 789**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3013) takes effect from its passage.

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

S. B. 3014, Making supplemental appropriation of federal funds to Department of Veterans' Assistance, Veterans' Home; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 790**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3014) passed.

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

On this question, the yeas and nays were taken (**Roll No. 791**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Forsht.

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3014) takes effect from its passage.

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

S. B. 3015, Making supplemental appropriation of federal funds to Commission for National and Community Service; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 792**), and there were—yeas 93, nays 3, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries, Longanacre and McGeehan.

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3015) passed.

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

On this question, the yeas and nays were taken (**Roll No. 793**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3015) takes effect from its passage.

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

S. B. 3016, Making supplemental appropriation to Division of Culture and History; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 794**), and there were—yeas 90, nays 6, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries, Kimes, Longanacre, McGeehan, Paynter and Pritt.

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3016) passed.

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

On this question, the yeas and nays were taken (**Roll No. 795**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3016) takes effect from its passage.

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

S. B. 3017, Making supplemental appropriation to Department of Economic Development, Office of Secretary; on second reading, coming up in regular order, was read a second time and ordered to third reading

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 796**), and there were—yeas 89, nays 6, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dean, J. Jeffries, Kimes, Longanacre, McGeehan and Pritt.

Absent and Not Voting: Brown, Griffith, Pack, Statler and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3017) passed.

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

On this question, the yeas and nays were taken (**Roll No. 797**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Brown, Griffith, Pack, Statler and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3017) takes effect from its passage.

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

S. B. 3018, Making supplemental appropriation to State Department of Education; on second reading, coming up in regular order, was read a second time.

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

On this question, the yeas and nays were taken (**Roll No. 798**), and there were—yeas 74, nays 20, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Barach, Boggs, Doyle, Evans, Fleischauer, Fluharty, Garcia, Hansen, Hornbuckle, Longanacre, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Brown, Griffith, Maynard, Pack, Statler and Worrell.

So, four fifths of the members present not having voted in the affirmative, the motion to dispense with the constitutional rule was rejected.

The bill was ordered to third reading.

S. B. 3019, Making supplemental appropriation to Governor's Office, Civil Contingent Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 799**), and there were—yeas 86, nays 8, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Bruce, Conley, Foster, Kimes, Longanacre, McGeehan, Paynter and Pritt.

Absent and Not Voting: Brown, Griffith, Maynard, Pack, Statler and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3019) passed.

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

On this question, the yeas and nays were taken (**Roll No. 800**), and there were—yeas 91, nays 2, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Kimes and McGeehan.

Absent and Not Voting: Brown, Griffith, Maynard, Pack, Statler, Williams and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3019) takes effect from its passage.

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

S. B. 3020, Making supplemental appropriation to Division of Personnel; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 801**), and there were—yeas 87, nays 7, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Burkhammer, Gearheart, J. Jeffries, Kimes, Longanacre, McGeehan and Pritt.

Absent and Not Voting: Brown, Griffith, Maynard, Pack, Statler and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3020) passed.

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

On this question, the yeas and nays were taken (**Roll No. 802**), and there were—yeas 93, nays 1, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Brown, Griffith, Maynard, Pack, Statler and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3020) takes effect from its passage.

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

S. B. 3021, Making supplemental appropriation to Special Railroad and Intermodal Enhancement Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 803**), and there were—yeas 91, nays 3, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries, Kimes and Longanacre.

Absent and Not Voting: Brown, Griffith, Maynard, Pack, Statler and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3021) passed.

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

On this question, the yeas and nays were taken (**Roll No. 804**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Maynard, Pack, Statler and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3021) takes effect from its passage.

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

S. B. 3022, Making supplemental appropriation to DOT, Office of Administrative Hearings; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 805**), and there were—yeas 89, nays 5, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries, Kimes, Longanacre, Paynter and Pritt.

Absent and Not Voting: Brown, Griffith, Maynard, Pack, Statler and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3022) passed.

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

On this question, the yeas and nays were taken (**Roll No. 806**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Maynard, Pack, Statler and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3022) takes effect from its passage.

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

S. B. 3023, Making supplemental appropriation to DOT, Public Port Authority; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 807**), and there were—yeas 88, nays 7, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Bruce, J. Jeffries, Kimes, Longanacre, Paynter, Pritt and Young.

Absent and Not Voting: Brown, Griffith, Pack, Statler and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3023) passed.

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

On this question, the yeas and nays were taken (**Roll No. 808**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Pack, Statler and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3023) takes effect from its passage.

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

S. B. 3024, Supplementing and amending Title II, section 12, Budget Bill, for fiscal year ending June 30, 2022; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 809**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Pack, Statler and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3024) passed.

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

On this question, the yeas and nays were taken (**Roll No. 810**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Pack, Statler and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3024) takes effect from its passage.

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

S. B. 3025, Relating generally to WV ABLE Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Householder, the bill was amended on page four, section four, beginning on line twenty-five, following the words “of this code”, by striking out the comma and the words “including emergency rules, if”.

The bill was then ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 811**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Brown, Griffith, Pack, Statler and Worrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 3025) passed.

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

S. B. 3025 - “A Bill to amend and reenact §16-48-3, §16-48-4, and §16-48-6 of the Code of West Virginia, 1931, as amended, all relating generally to the West Virginia ABLE Act; defining terms; permitting a person with signature authority, according to federal law, to open and manage an account on behalf of a designated beneficiary; and clarifying that the State Treasurer may require an application to open an ABLE account.”

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

On this question, the yeas and nays were taken (**Roll No. 812**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Longanacre, Pack, Statler and Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3025) takes effect from its passage.

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

S. B. 3027, Establishing Medal of Valor for emergency medical service personnel, firefighters, and law-enforcement officers; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 813**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Doyle, Griffith, Pack, Reed and Statler.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 3027) passed.

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

On this question, the yeas and nays were taken (**Roll No. 814**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Doyle, Griffith, Pack and Statler.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3027) takes effect from its passage.

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

S. B. 3028, Relating to statutory salary of Director of Lottery Commission; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 815**), and there were—yeas 61, nays 34, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Nays: Barach, Barnhart, Bridges, Bruce, Burkhammer, Conley, Doyle, Evans, Fast, Ferrell, Hanna, Hansen, Horst, D. Jeffries, J. Jeffries, Jennings, Keaton, Kimble, Kimes, Linville, Longanacre, Mandt, Paynter, Pinson, Pritt, Pushkin, Reynolds, Thompson, Toney, Walker, G. Ward, Worrell, Young and Zukoff.

Absent and Not Voting: Brown, Griffith, Pack, Skaff and Statler.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 3028) passed.

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

On this question, the yeas and nays were taken (**Roll No. 816**), and there were—yeas 85, nays 9, absent and not voting 6, with the yeas and the absent and not voting being as follows:

Nays: Conley, Doyle, Fast, Kimble, McGeehan, Paynter, Pritt, Thompson and G. Ward.

Absent and Not Voting: Brown, Griffith, Pack, Riley, Skaff and Statler.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3028) takes effect from its passage.

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

S. B. 3029, Creating Court Facilities Maintenance Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 817**), and there were—yeas 88, nays 6, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: J. Jeffries, Kimes, Longanacre, Martin, McGeehan and Paynter.

Absent and Not Voting: Brown, Conley, Griffith, Pack, Skaff and Statler.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 3029) passed.

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

On this question, the yeas and nays were taken (**Roll No. 818**), and there were—yeas 92, nays 1, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Brown, Conley, Griffith, Kessinger, Pack, Skaff and Statler.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3029) takes effect from its passage.

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

S. B. 3031, Exempting sale of certain aircraft from consumers sales and service tax; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 819**), and there were—yeas 71, nays 23,

absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Barach, Boggs, Bruce, Diserio, Doyle, Evans, Fast, Fleischauer, Fluharty, Garcia, Hansen, Higginbotham, Hornbuckle, J. Jeffries, Lovejoy, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Brown, Conley, Dean, Griffith, Pack and Statler.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 3031) passed.

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

On this question, the yeas and nays were taken (**Roll No. 820**), and there were—yeas 80, nays 15, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Barach, Boggs, Evans, Fluharty, Garcia, Hansen, Higginbotham, J. Jeffries, Pushkin, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Brown, Conley, Griffith, Pack and Statler.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3031) takes effect from its passage.

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

S. B. 3032, Relating to application fees for license to carry concealed deadly weapon; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 821**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 3032) passed.

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

On this question, the yeas and nays were taken (**Roll No. 822**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3032) takes effect from its passage.

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

S. B. 3033, Relating to composition of congressional districts; on second reading, coming up in regular order, was read a second time.

An amendment, offered by Delegate J. Kelly, was reported by the Clerk.

Whereupon,

Delegate J. Kelly obtained unanimous consent to withdraw the amendment.

The bill was then ordered to third reading.

Pursuant to the consent granted earlier, Roll No. 763 was used to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On that roll call, the yeas and nays were taken (**Roll No. 763**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Bates, Brown, Graves, Griffith, Pack and Statler.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 823**), and there were—yeas 84, nays 12, absent and not voting 4, with the yeas and the absent and not voting being as follows:

Nays: Barach, Boggs, Diserio, Fleischauer, Fluharty, Hansen, Hornbuckle, Pushkin, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 3033) passed.

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

H. B. 335, Relating to COVID-19 immunizations requirements for employment in the public and private sectors; on second reading, coming up in regular order, was read a second time.

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

On this question, the yeas and nays were taken (**Roll No. 824**), and there were—yeas 75, nays 21, absent and not voting 4, with the yeas and the absent and not voting being as follows:

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

Absent and Not Voting: Brown, Griffith, Pack and Statler.

So, four fifths of the members present not having voted in the affirmative, the motion to dispense with the constitutional rule was rejected.

The bill was then ordered to engrossment and third reading.

At 11:46 a.m., the House of Delegates recessed until 1:00 p.m.

* * * * *

Afternoon Session

* * * * *

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Messages from the Senate

A message from the Senate, by

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

S. B. 3026 - “A Bill to amend and reenact §16-2-2, §16-2-11, and §16-2-13 of the Code of West Virginia, 1931, as amended, all relating to local boards of health; defining terms including ‘enforcement activity’, ‘enhanced public health services’, ‘guidance’, ‘health order’, ‘local health department rule’, ‘local rule’, and ‘state rule’; clarifying the authority of local health departments to adopt and promulgate local health department rules; requiring that local health department rules not acted upon by a county commission or appointing authority within 30 days of their issuance become void; exempting from the aforementioned 30-day provision local health department rules in effect on or before March 4, 2021, clarifying that a local health department rule issued in response to an imminent public health emergency may have immediate force and effect subject to the provisions of law related to review and longevity of local health department rules; clarifying that orders of the Secretary of the Department of Health and Human Resources related to public health are state rules for enforcement purposes; clarifying that local health officers have the authority to enforce state rules, local rules, and local health department rules; and clarifying local health officers’ authority to engage in enforcement activities, issue guidance, and orders.”

At the respective requests of Delegate Summers, and by unanimous consent, the bill (S. B. 3026) was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 3030 - “A Bill to amend and reenact §23-5-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §51-2A-24 of said code; to amend and reenact §51-11-3, §51-11-4, §51-11-6, and §51-11-8 of said code; and to amend and reenact §58-5-1 of said code, all relating to updating provisions establishing the Intermediate Court of Appeals; correcting a citation respecting right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals with respect to workers’ compensation claims; providing that appeals of judgements or final orders entered by family courts in

domestic violence proceedings must first be made to circuit court; providing for circuit court jurisdiction over appeals of judgements or final orders entered by family courts in domestic violence proceedings; removing language establishing Intermediate Court of Appeals as a court of record; modifying prohibition on sitting Intermediate Court of Appeals Judges to retain seat upon becoming a candidate or pre-candidate for any nonjudicial, elected public office; authorizing Intermediate Court of Appeals to be located in a fixed or virtual location; providing an exception to appellate jurisdiction of the Intermediate Court of Appeals with respect to final judgments or final orders issued by family courts in domestic violence proceedings; excluding from the appellate jurisdiction of the Intermediate Court of Appeals all appeals of judgments or final orders issued by family courts in domestic violence proceedings; authorizing individuals appointed to serve as judges of the Intermediate Court of Appeals to take oath and commence duties on or before July 1, 2022, but no earlier than May 1, 2022; authorizing contractual arrangements for use of facilities by Intermediate Court of Appeals to include physical or virtual spaces; correcting a citation respecting right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals; and making other technical corrections.”

Unanimous consent having been obtained, reference of the bill (S. B. 3030) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

Leaves of Absence

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

Miscellaneous Business

Delegate Howell noted to the Clerk that he was absent when the vote was taken on Roll Nos. 785 and 786, and had he been present, he would have voted “Yea” thereon.

At 1:19 p.m., the House of Delegates adjourned until 9:00 a.m., Friday, October 15, 2021.

Friday, October 15, 2021

FIFTH DAY

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

The House of Delegates 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 Thursday, October 14, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that all bills, except S. B. 3018 and H. B. 335, on Third Reading, Special Calendar had been transferred to the House Calendar; and H. B. 335, on Third Reading, Special Calendar had been moved to the foot of all bills.

Messages from the Executive

A Proclamation of His Excellency, the Governor, amending the Proclamation convening the Legislature in extraordinary session, was read by the Clerk as follows:

**STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
Charleston**

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West

Virginia, do hereby **AMEND** the proclamation dated October 8, 2021, as amended, calling the West Virginia Legislature to convene in Extraordinary Session on Monday, October 11, 2021, in its chambers in the State Capitol, the City of Charleston, as follows:

1. By adding items thirty-seven and thirty-eight, as follows:

THIRTY-SEVENTH: To make a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307, by Directed Transfer, appropriation 70000, in the amount of \$10,000,000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022.

THIRTY-EIGHTH: To make a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Governor’s Office, Coronavirus State Fiscal Recovery Fund, fund 8823, fiscal year 2022, organization 0100, by Directed Transfer, appropriation 70000, in the amount of \$90,000,000, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Fifteenth day of October, in the year of our Lord, Two Thousand Twenty-One, and in the One Hundred Fifty-Ninth year of the State.

James Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State.

Motions

On motion of Delegate Summers, **S. B. 3033**, still being in possession of the Clerk, was taken up for further consideration.

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

On this question, the yeas and nays were taken (**Roll No. 825**), and there were—yeas 93, nays 3, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Barach, Fleischauer and Hansen.

Absent and Not Voting: Booth, Higginbotham, Pack and Toney.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3033) takes effect from its passage.

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

Bills Introduced

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

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

H. B. 337 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General

Revenue, to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022”; to the Committee on Finance.

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

H. B. 338 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Governor’s Office, Coronavirus State Fiscal Recovery Fund, fund 8823, fiscal year 2022, organization 0100, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022”; to the Committee on Finance.

Special Calendar

Third Reading

S. B. 3018, Making supplemental appropriation to State Department of Education; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 826**), and there were—yeas 70, nays 26, absent and not voting 4, with the yeas and the absent and not voting being as follows:

Nays: Barach, Boggs, Brown, Dean, Diserio, Doyle, Evans, Ferrell, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Paynter, Pethtel, Pushkin, Reynolds, Rowe, Skaff, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Booth, Higginbotham, Pack and Toney.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3018) passed.

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

On this question, the yeas and nays were taken (**Roll No. 827**), and there were—yeas 73, nays 23, absent and not voting 4, with the nays and the absent and not voting being as follows:

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

Absent and Not Voting: Booth, Higginbotham, Pack and Toney.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3018) takes effect from its passage.

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

Second Reading

S. B. 3026, Relating to review, approval, disapproval, or amendment of local boards of health rules by county commission or county board of education; on second reading, coming up in regular order, was read a second time and ordered to third reading.

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

On this question, the yeas and nays were taken (**Roll No. 828**), and there were—yeas 78, nays 18, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Boggs, Brown, Doyle, Evans, Fleischauer, Garcia, Hanna, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Rowe, Thompson, Walker, Williams, Young and Zukoff.

Absent and Not Voting: Booth, Higginbotham, Pack and Toney.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 829**), and there were—yeas 81, nays 15, absent and not voting 4, with the yeas and the absent and not voting being as follows:

Nays: Bruce, Fast, Fleischauer, Garcia, Griffith, Hansen, Longanacre, Mandt, Martin, Paynter, Pethtel, Thompson, Walker, Westfall and Zukoff.

Absent and Not Voting: Booth, Higginbotham, Pack and Toney.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 3026) passed.

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

On this question, the yeas and nays were taken (**Roll No. 830**), and there were—yeas 88, nays 8, absent and not voting 4, with the yeas and the absent and not voting being as follows:

Nays: Evans, Fast, Fleischauer, Griffith, Hansen, Thompson, Walker and Zukoff.

Absent and Not Voting: Booth, Higginbotham, Pack and Toney.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3026) takes effect from its passage.

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

S. B. 3030, Updating provisions establishing Intermediate Court of Appeals; on second reading, coming up in regular order, was read a second time and ordered to third reading.

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

On this question, the yeas and nays were taken (**Roll No. 831**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Booth, Higginbotham and Pack.

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

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 832**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Bruce, Martin, Miller and Paynter.

Absent and Not Voting: Booth, Higginbotham and Pack.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 3030) passed.

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

S. B. 3030 – “A Bill to amend and reenact §23-5-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §51-2A-24 of said code; to amend and reenact §51-11-3, §51-11-4, §51-11-6, and §51-11-8 of said code; and to amend and reenact §58-5-1 of said code, all relating to updating provisions establishing the Intermediate Court of Appeals; correcting a citation respecting right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals with respect to workers’ compensation claims; providing that appeals of judgements or final orders entered by family courts in domestic violence proceedings must first be made to circuit court; providing for circuit court jurisdiction over appeals of judgements or final orders entered by family courts in domestic violence proceedings; removing language establishing Intermediate Court of Appeals as a court of record; modifying prohibition on sitting Intermediate Court of Appeals Judges to retain seat upon becoming a candidate or pre-candidate for any nonjudicial, elected public office; authorizing Intermediate Court of Appeals to be located in a fixed or virtual location; providing an exception to appellate jurisdiction of the Intermediate Court of Appeals with respect to final judgments or final orders issued by family courts in domestic violence proceedings; excluding from the appellate jurisdiction of the Intermediate Court of Appeals all appeals of judgments or final orders issued by family courts in domestic violence proceedings; authorizing individuals appointed to serve as judges of the Intermediate Court of Appeals to take oath and commence duties on or before July 1, 2022, but no earlier than May 1, 2022; authorizing contractual arrangements for use of facilities by Intermediate Court of Appeals to include additional physical spaces or virtual platforms; correcting a citation respecting right to seek review by the Supreme Court of Appeals of a final decision of the Intermediate Court of Appeals; and making other technical corrections.”

Delegate Summers moved that the bill take effect from its passage which subsequently was withdrawn.

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

Third Reading

- continued -

H. B. 335, Relating to COVID-19 immunizations requirements for employment in the public and private sectors; on third reading, having been moved to the foot of bills by the Committee on Rules, was read a third time.

During the debate on the bill, Delegate Martin moved the previous question, which demand was sustained.

On this question, the yeas and nays were taken (**Roll No. 833**), and there were—yeas 10, nays 87, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Yeas: Burkhammer, Clark, Cooper, Hanna, Martin, Mazzocchi, McGeehan, Miller, Paynter and Phillips.

Absent and Not Voting: Booth, Higginbotham and Pack.

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

Delegate Boggs 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 persons of five or greater and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 834**), and there were, including pairs—yeas 68, nays 30, absent and not voting 2, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairings were filed and announced by the Clerk:

Paired:

Yea: Booth

Nay: Lovejoy

Nays: Anderson, Barach, Bates, Boggs, Criss, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, J. Kelly, Pethtel, Pushkin, Reed, Rohrbach, Rowe, Skaff, Storch, Thompson, Walker, Westfall, Williams, Young, Zukoff and Hanshaw (Mr. Speaker).

Absent and Not Voting: Higginbotham and Pack.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 335) passed.

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

On this question, the yeas and nays were taken (**Roll No. 835**), and there were, including pairs—yeas 70, nays 28, absent and not voting 2, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairings were filed and announced by the Clerk:

Paired:

Yea: Booth

Nay: Storch

Nays: Barach, Bates, Boggs, Brown, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Reed, Rohrbach, Rowe, Skaff, Thompson, Walker, Westfall, Williams, Young, Zukoff and Hanshaw (Mr. Speaker).

Absent and Not Voting: Higginbotham and Pack.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 335) takes effect from its passage.

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

Messages from the Executive

A Proclamation of His Excellency, the Governor, amending the Proclamation convening the Legislature in extraordinary session, was read by the Clerk as follows:

**STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
Charleston**

A P R O C L A M A T I O N

By the Governor

I, **JIM JUSTICE**, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby **AMEND** the proclamation dated October 8, 2021, as amended, calling the West Virginia Legislature to convene in Extraordinary Session on Monday, October 11, 2021, in its chambers in the State Capitol, the City of Charleston, as follows:

1. By adding item thirty-nine, as follows:

THIRTY-NINTH: To authorize and appropriate public funds sufficient to pay for this Extraordinary Session.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Fifteenth day of October, in the year of our Lord, Two Thousand Twenty-One, and in the One Hundred Fifty-Ninth year of the State.

James Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State.

At 11:58 p.m., on motion of Delegate Summers, the House of Delegates recessed until 4:00 p.m.

* * * * *

Afternoon Session

* * * * *

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

At the request of Delegate Summers, and by unanimous consent, the House of Delegates returned to the Seventh Order of Business for the purpose of introducing and considering a resolution.

Resolutions Introduced

Delegate Hanshaw (Mr. Speaker) offered the following resolution, which was reported by the Clerk:

H. C. R. 301 - "Authorizing adjournments of the Senate and House of Delegates."

Resolved by the Legislature of West Virginia:

That during this Third Extraordinary Session of the Legislature in 2021, both the Senate and House of Delegates are hereby authorized to adjourn, as needed, for more than three days, pursuant to Section 23, Article VI of the Constitution of the State of West Virginia.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. C. R. 301) to a committee was dispensed with, and it was taken up for immediate consideration, and adopted.

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

Messages from the Executive

A Proclamation of His Excellency, the Governor, amending the Proclamation convening the Legislature in extraordinary session, was read by the Clerk as follows:

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

Charleston

A P R O C L A M A T I O N

By the Governor

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby **AMEND** the proclamation dated October 8, 2021, as amended, calling the West Virginia Legislature to convene in Extraordinary Session on Monday, October 11, 2021, in its chambers in the State Capitol, the City of Charleston, as follows:

1. By adding item forty, as follows:

FORTIETH: To amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated as § 31G-1A-7, related to the creation of the Broadband Development Fund and providing for the administration of the fund, sources of funding, and the purpose of expenditures.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Fifteenth day of October, in the year of our Lord, Two Thousand Twenty-One, and in the One Hundred Fifty-Ninth year of the State.

James Justice,
Governor.

By the Governor

Mac Warner,
Secretary of State.

At the request of Delegate Summers, and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 337, Making supplementary appropriation to the Department of Economic Development, Office of the Secretary,

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

Com. Sub. for H. B. 337 – “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307, by supplementing and amending Chapter 11, Acts of the Legislature,

Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022,”

And,

H. B. 338, Making supplementary appropriation of federal funds to the Governor’s Office, Coronavirus State Fiscal Recovery Fund,

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

Com. Sub. for H. B. 338 – “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal monies remaining unappropriated for the fiscal year ending June 30, 2022, to the Governor’s Office, Coronavirus State Fiscal Recovery Fund, fund 8823, fiscal year 2022, organization 0100, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the budget bill for the fiscal year ending June 30, 2022,”

With the recommendation that the committee substitutes each do pass.

At the respective requests of Delegate Summers, and by unanimous consent, the bills (Com. Sub. for H. B. 337 and Com. Sub. for H. B. 338) were each taken up for immediate consideration, read a first time and ordered to second reading.

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

By Delegates Espinosa, Linville, Rowan, Riley, Hott, Rohrbach, Ellington, Statler, D. Jeffries, Boggs, and Hornbuckle:

H. B. 339 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31G-1A-7, relating to creating the Broadband Development Fund; providing for the administration of the fund, sources of funding for the fund, and the purposes for expenditures from the fund; authorizing

expenditures from the fund from collections and pursuant to legislative appropriations; and requiring certification of projects to Joint Committee on Government and Finance prior to expenditures.”

At the respective requests of Delegate Summers, and by unanimous consent, the bill (H. B. 339) was taken up for immediate consideration, read a first time and ordered to second reading.

Leaves of Absence

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

Miscellaneous Business

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

- Delegate Kimble regarding H. B. 335

At 4:19 p.m., Friday, October 15, 2021, the House of Delegates adjourned pursuant to H. C. R. 301, until the call of the Speaker.

Wednesday, October 20, 2021

EIGHTH DAY

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

Pursuant to the October 15, 2021 motion to adjourn and the October 19, 2021 letter from the Speaker, the House of Delegates was called to reconvene the Third Extraordinary session on Wednesday, October 20, 2021 at 6:00 p.m.

The House 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 Friday, October 15, 2021, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 18th day of October, 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:

S. B. 3001, Making supplemental appropriation of federal funds to Bureau of Senior Services,

S. B. 3002, Making supplemental appropriation of federal funds to DHS, Energy Assistance,

S. B. 3003, Expiring funds to unappropriated surplus balance from Consumer Protection Recovery Fund

S. B. 3004, Making supplemental appropriation of federal funds to Department of Agriculture,

S. B. 3005, Making supplemental appropriation of federal funds to Division of Culture and History,

S. B. 3006, Making supplemental appropriation of federal funds to Community Mental Health Services,

S. B. 3007, Making supplemental appropriation of federal funds to Consolidated Medical Service Fund,

S. B. 3008, Making supplemental appropriation of federal funds to Division of Health, Central Office Fund,

S. B. 3009, Making supplemental appropriation of federal funds to Division of Human Services,

And,

S. B. 3010, Making supplemental appropriation of federal funds to Division of Health, Substance Abuse Prevention and Treatment.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 18th day of October, 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:

S. B. 3011, Making supplemental appropriation of federal funds to Educational Broadcasting Authority,

S. B. 3012, Making supplemental appropriation of federal funds to Library Commission,

S. B. 3013, Making supplemental appropriation of federal funds to Department of Veterans' Assistance,

S. B. 3014, Making supplemental appropriation of federal funds to Department of Veterans' Assistance, Veterans' Home,

S. B. 3015, Making supplemental appropriation of federal funds to Commission for National and Community Service,

S. B. 3016, Making supplemental appropriation to Division of Culture and History,

S. B. 3017, Making supplemental appropriation to Department of Economic Development, Office of Secretary,

S. B. 3019, Making supplemental appropriation to Governor's Office, Civil Contingent Fund,

And,

S. B. 3020, Making supplemental appropriation to Division of Personnel.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 18th day of October, 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:

S. B. 3021, Making supplemental appropriation to Special Railroad and Intermodal Enhancement Fund,

S. B. 3022, Making supplemental appropriation to DOT, Office of Administrative Hearings,

S. B. 3023, Making supplemental appropriation to DOT, Public Port Authority,

S. B. 3024, Supplementing and amending Title II, section 12, Budget Bill, for fiscal year ending June 30, 2022,

S. B. 3027, Establishing Medal of Valor for emergency medical service personnel, firefighters, and law-enforcement officers,

S. B. 3028, Relating to statutory salary of Director of Lottery Commission,

S. B. 3029, Creating Court Facilities Maintenance Fund,

S. B. 3031, Exempting sale of certain aircraft from consumers sales and service tax,

And,

S. B. 3032, Relating to application fees for license to carry concealed deadly weapon.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 19th day of October, 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:

S. B. 3025, Relating generally to WV ABLE Act,

S. B. 3026, Relating to review, approval, disapproval, or amendment of local boards of health rules by county commission or county board of education,

And,

S. B. 3030, Updating provisions establishing Intermediate Court of Appeals.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 19th day of October, 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:

S. B. 3018, Making supplemental appropriation to State Department of Education,

And,

S. B. 3033, Relating to composition of congressional districts.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced passage, without amendment, a bill of the House of Delegates, and requested concurrence in the changed effective date, to take effect from passage, of

H. B. 301, Reapportioning House of Delegates Districts.

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

On this question, the yeas and nays were taken (**Roll No. 836**), and there were—yeas 74, nays 14, absent and not voting 12, with the nays and the absent and not voting being as follows:

Nays: Barach, Diserio, Doyle, Fleischauer, Fluharty, Hansen, Hornbuckle, Pethtel, Pushkin, Rowe, Skaff, Walker, Young and Zukoff.

Absent and Not Voting: Brown, Griffith, Hamrick, Hardy, Holstein, J. Kelly, Kessinger, Pack, Reed, Riley, Westfall and Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 301) takes effect from its passage.

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

A message from the Senate, by

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

H. B. 335, Relating to COVID-19 immunizations requirements for employment in the public and private sectors.

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

On page two, section four-b, lines thirty-one and thirty-two, by striking out all of subdivision (2) and inserting in lieu thereof a new subdivision (2) to read as follows:

“(2) ‘COVID-19’ shall mean the same as that term is defined in §55-19-3 of this code;”.

And,

On page two, section four-b, after line thirty-seven, by adding thereto a new subsection, designated subsection (f), to read as follows:

“(f) Pursuant to §2-2-10 of this code, if any provision of this section or the application thereof to any person or circumstance is held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect other provisions or applications of the section, and to this end the provisions of this section are declared to be severable.”

And,

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

H. B. 335 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4b, relating to COVID-19 immunizations requirements for employment in the public and private sectors; providing for exemptions; setting forth a process and an exemption for medical

contraindications; setting forth a process and an exemption for those with religious beliefs that prevent an employee or prospective employee from taking a COVID-19 vaccine; prohibiting discrimination for exercising an exemption; defining terms; providing for injunctive relief in the event of a violation of the section; setting forth an effective date; and providing for a severability clause.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 837**), and there were, including pairs—yeas 66, nays 24, absent and not voting 10, with the paired, the nays and the absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: J. Kelly

Nay: Williams

Nays: Anderson, Barach, Boggs, Criss, Diserio, Doyle, Fleischauer, Fluharty, Garcia, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Rohrbach, Rowe, Skaff, Storch, Thompson, Walker, Young, Zukoff and Hanshaw (Mr. Speaker).

Absent and Not Voting: Brown, Griffith, Hamrick, Hardy, Holstein, Kessinger, Pack, Reed, Riley and Westfall.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 335) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 336, Supplementing and amending appropriations to the Department of Homeland Security, Division of Justice and Community Services.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of a concurrent resolution of the House of Delegates as follows:

H. C. R. 301, Authorizing adjournments of the Senate and House of Delegates.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendments of the House of Delegates and the passage, as amended, of

S. B. 3025, Relating generally to WV ABLE Act.

A message from the Senate, by

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

S. B. 3030, Updating provisions establishing Intermediate Court of Appeals.

A message from the Senate, by

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

S. B. 3034 - "A Bill to amend and reenact §1-2-1 and §1-2-2b of the Code of West Virginia, 1931, as amended, all relating to dividing and altering the state into senatorial districts; defining terms; setting forth legislative findings; providing for senatorial districts; clarifying constitutional residency dispersal provision; providing requirements for nomination, election, and appointment of senators; providing requirements for filing certificate of candidacy for election from a multi-county senatorial district; providing for effect of redistricting on senators elected in 2018 and

2020 general elections and on senators appointed to fill vacancies; authorizing rulemaking; providing for precinct and magisterial district boundary changes and notice therefor; and making technical changes.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3034) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 838**), and there were—yeas 88, nays none, absent and not voting 12, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Hamrick, Hardy, Holstein, J. Kelly, Kessinger, Pack, Reed, Riley, Westfall and Williams.

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

The bill was read a second time.

On motion of Delegate Howell, the bill was amended on page one, after the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 2. APPORTIONMENT OF REPRESENTATION.

§1-2-1. Senatorial districts.

(a) This section shall be known and may be cited as the Senate Redistricting Act of ~~2011~~ 2021.

(b) As used in this section:

(1) ‘County’ means the territory comprising a county of this state as such county existed on January 1, ~~2010~~ 2020,

notwithstanding any boundary changes thereof made subsequent thereto;

(2) ~~‘Block’ and ‘voting district’~~ ‘Tract’, ‘block group’, and ‘block’ mean those geographic areas as those terms are respectively defined by the Bureau of the Census of the United States Department of Commerce for the taking of the ~~2010~~ 2020 census of population and described on census maps and data prepared by the Bureau of the Census. Such maps and data are, at the time of this enactment, maintained by the Bureau of the Census and ~~filed in the Redistricting Office of the Joint Committee on Government and Finance~~ have been provided to the West Virginia Legislature;

(3) ‘Incumbent senator’ means ~~a senator elected at the general election held in the year 2010 or at any general election thereafter, with an unexpired term of at least two years in duration.;~~

(A) For purposes of the general election to be held in the year 2022,

(i) A senator elected at the general election held in the year 2020; or

(ii) A senator appointed to complete the term of office of a senator who was elected at the general election held in 2020.

(B) For purposes of the general election to be held in the year 2024 or any general election thereafter,

(i) A senator elected at the immediately preceding general election; or

(ii) A senator appointed to complete the term of office of a senator who was elected at the immediately preceding general election.

(c) The Legislature recognizes that in dividing the state into senatorial districts, the Legislature is bound not only by the United States Constitution but also by the West Virginia Constitution; that in any instance where the West Virginia Constitution conflicts with

the United States Constitution, the United States Constitution must govern and control, as provided by article VI of the United States Constitution and as recognized in section one, article I of the West Virginia Constitution; that the United States Constitution, as interpreted by the United States Supreme Court and other federal courts, requires state legislatures to be apportioned so as to achieve equality of population as ~~near~~ nearly as is practicable, population disparities being permissible where justified by rational state policies, and population disparities being presumptively constitutional where the maximum population deviation between the largest and the smallest district is less than 10%, as recognized by the United States Supreme Court in *Brown v. Thompson*, 462 U.S. 835 (1983) and *Evenwel v. Abbott*, 136 S.Ct. 1120 (2016); and that the West Virginia Constitution requires two senators to be elected from each senatorial district for terms of four years each, one such senator being elected every two years, with one half of the senators being elected biennially, and requires senatorial districts to be compact, formed of contiguous territory and bounded by county lines. The Legislature finds and declares that it is not possible to divide the state into senatorial districts so as to achieve equality of population as near as is practicable as required by the United States Supreme Court and other federal courts and at the same time adhere to all of these provisions of the West Virginia Constitution; but that, in an effort to adhere as closely as possible to all of these provisions of the West Virginia Constitution, the Legislature, in dividing the state into senatorial districts, as described and constituted in subsection (d) of this section, has:

(1) Adhered to the equality of population ~~concept~~ requirement as delineated in the cases referenced in subsection (c) of this section, while at the same time recognizing that from the formation of this state in the year 1863, each Constitution of West Virginia and the statutes enacted by the Legislature have recognized ~~political subdivision~~ county lines and many functions, policies, and programs of government have been implemented along ~~political subdivision~~ county lines;

(2) Made the senatorial districts ~~as compact as possible~~, consistent with the equality of population ~~concept~~ requirement, and

with the requirement of section four, article VI of the West Virginia Constitution that senatorial districts be bounded by county lines;

(3) Formed the senatorial districts, without exception, of 'contiguous territory' as that term has been construed and applied by the West Virginia Supreme Court of Appeals;

(4) ~~Deviated from the long established state policy, recognized in subdivision (1) above,~~ requirement of section four, article VI of the West Virginia Constitution that senatorial districts be bounded by county lines by crossing county lines only when necessary to ensure that all senatorial districts were formed of contiguous territory or when adherence to county lines produced unacceptable population inequalities and only to the extent necessary in order to maintain contiguity of territory and to achieve acceptable equality of population;

(5) Also taken into account in crossing county lines, to the extent feasible, the preservation of the cores of districts described and constituted by chapter six, Acts of the Legislature, First Extraordinary Session 2011; and

(6) Also taken into account in crossing county lines, to the extent feasible, the community of interests of the people involved.

(d) The Senate shall be composed of thirty-four senators, one senator to be elected at the general election to be held in the year ~~2012~~ 2022, and biennially thereafter for a four-year term from each of the senatorial districts hereinafter in this subsection described and constituted as follows:

(1) The first senatorial district consists of the following counties, tracts, block groups, and blocks, together with their respective populations from the 2020 federal decennial census:

~~Brooke County~~

~~Hancock County~~

~~The following areas of Marshall County:~~

~~Voting district: 35~~

~~Voting district: 36~~

~~Voting district: 38~~

~~Voting district: 39~~

~~The following blocks of voting district 48:~~

~~Block: 540510208005028~~

~~Block: 540510208005032~~

~~Block: 540510208005033~~

~~Block: 540510208005034~~

~~Block: 540510208005036~~

~~Block: 540510208005037~~

~~Block: 540510208005038~~

~~Block: 540510208005039~~

~~Block: 540510208005040~~

~~Block: 540510208005041~~

~~Block: 540510208005044~~

~~Block: 540510208005052~~

~~Voting district: 56~~

~~Voting district: 58~~

~~Voting district: 61~~

~~Ohio County~~

District 1

County: Brooke WV 22559

County: Hancock WV 29095

County: Marshall WV (part)

Tract: 208 4183

Tract: 209 (part)

BlockGroup: 540510209003

Block: 540510209003000 91

Block: 540510209003001 11

Block: 540510209003002 1

Block: 540510209003003 11

Block: 540510209003004 9

Block: 540510209003005 12

Block: 540510209003006 8

Block: 540510209003007 262

Block: 540510209003008 9

Block: 540510209003009 26

Block: 540510209003010 55

Block: 540510209003011 27

Block: 540510209003013 225

Block: 540510209003014 31

Block: 540510209003015 92

Block: 540510209003016 12

<u>Block: 540510209003017</u>	<u>8</u>
<u>BlockGroup 540510209003 Subtotal</u>	<u>890</u>
<u>Tract 209 Subtotal</u>	<u>890</u>
<u>Tract: 210.01</u>	<u>1474</u>
<u>Tract: 213 (part)</u>	
<u>BlockGroup: 540510213001</u>	<u>1075</u>
<u>BlockGroup: 540510213002</u>	<u>1274</u>
<u>Tract 213 Subtotal</u>	<u>2349</u>
<u>County Marshall WV Subtotal</u>	<u>8896</u>
<u>County: Ohio WV</u>	<u>42425</u>
<u>District 1 Total</u>	<u>102975</u>

(2) The second senatorial district consists of the following counties, tracts, block groups, and blocks, together with their respective populations from the 2020 federal decennial census:

~~Calhoun County~~

~~Doddridge County~~

~~The following areas of Gilmer County:~~

~~Voting district: 1~~

~~Voting district: 12~~

~~Voting district: 13~~

~~The following blocks of voting district 24:~~

~~Block: 540219677002112~~

~~Block: 540219677002113~~

Block: 540219677002114

Block: 540219677002115

Block: 540219677002116

Block: 540219677002117

Block: 540219677002118

Block: 540219677002120

Block: 540219677002131

Block: 540219677002147

Block: 540219677002148

Block: 540219677002149

Block: 540219677002150

Block: 540219677002151

Block: 540219677002152

Block: 540219677002155

Block: 540219677002156

Block: 540219677002157

Block: 540219677002202

Block: 540219677002203

Block: 540219677002204

Block: 540219677002205

Block: 540219677002206

Block: 540219677004019

Block: 540219677004032

Block: 540219678001011

Block: 540219678001012

Block: 540219678001016

Block: 540219678001017

Block: 540219678001018

Block: 540219678001019

Block: 540219678001020

Block: 540219678001021

Block: 540219678001022

Block: 540219678001023

Block: 540219678001024

Block: 540219678001025

Block: 540219678001026

Block: 540219678001027

Block: 540219678001028

Block: 540219678001029

Block: 540219678001055

Block: 540219678002008

Block: 540219678002015

Block: 540219678002016

Block: 540219678002018

Block: 540219678002019

Block: 540219678002020

Block: 540219678002021

Block: 540219678002022

Block: 540219678002023

Block: 540219678002024

Block: 540219678002029

Block: 540219678002030

Block: 540219678002031

Block: 540219678002034

Block: 540219678002035

Block: 540219678002037

Block: 540219678002038

Block: 540219678002039

Block: 540219678002086

Block: 540219678003000

Block: 540219678003022

Block: 540219678003036

Block: 540219678003041

Block: 540219678003042

Block: 540219678003043

Block: 540219678003049

~~Block: 540219678003050~~

~~Block: 540219678003051~~

~~Voting district: 27~~

~~Voting district: 31~~

~~Voting district: 5~~

~~Voting district: 6~~

~~The following areas of Marion County:~~

~~Voting district: 53~~

~~The following blocks of voting district 56:~~

~~Block: 540490213002007~~

~~Block: 540490213002008~~

~~Block: 540490213002079~~

~~Block: 540490213002080~~

~~Block: 540490216001070~~

~~Block: 540490216001071~~

~~Block: 540490216001073~~

~~Block: 540490216001074~~

~~Block: 540490216001079~~

~~Block: 540490216003073~~

~~Block: 540490216003078~~

~~Block: 540490216003079~~

~~Block: 540490216003080~~

~~Block: 540490216004009~~

~~Block: 540490216004010~~

~~Block: 540490216004011~~

~~Block: 540490216004018~~

~~Block: 540490216004019~~

~~Block: 540490216004050~~

~~Block: 540490216004051~~

~~Block: 540490216004052~~

~~Block: 540490216004053~~

~~Voting district: 58~~

~~Voting district: 59~~

~~Voting district: 61~~

~~Voting district: 62~~

~~Voting district: 66~~

~~Voting district: 67~~

~~Voting district: 68~~

~~Voting district: 69~~

~~Voting district: 70~~

~~Voting district: 72~~

~~Voting district: 74~~

~~Voting district: 78~~

~~Voting district: 86~~

~~Voting district: 87~~

~~Voting district: 88~~

~~Voting district: 89~~

~~Voting district: 90~~

~~The following areas of Marshall County:~~

~~Voting district: 1~~

~~Voting district: 10~~

~~Voting district: 11~~

~~Voting district: 12~~

~~Voting district: 13~~

~~Voting district: 14~~

~~Voting district: 15A~~

~~Voting district: 16~~

~~Voting district: 17~~

~~Voting district: 17A~~

~~Voting district: 18~~

~~Voting district: 19~~

~~Voting district: 20~~

~~Voting district: 21~~

~~Voting district: 23~~

~~Voting district: 24~~

~~Voting district: 25~~

~~Voting district: 26~~

~~Voting district: 28~~

~~Voting district: 29~~

~~Voting district: 30~~

~~Voting district: 33~~

~~Voting district: 34~~

~~Voting district: 4~~

~~Voting district: 40~~

~~Voting district: 41~~

~~Voting district: 43~~

~~Voting district: 44~~

~~Voting district: 45~~

~~Voting district: 46~~

~~The following blocks of voting district 48:~~

~~Block: 540510208003094~~

~~Block: 540510208003100~~

~~Block: 540510208003101~~

~~Block: 540510208003102~~

~~Block: 540510208003103~~

~~Block: 540510208005042~~

~~Block: 540510208005043~~

~~Block: 540510208005045~~

Block: 540510208005046

Block: 540510208005047

Block: 540510208005048

Block: 540510208005049

Block: 540510208005050

Block: 540510208005051

Block: 540510208005053

Block: 540510208005054

Block: 540510208005055

Block: 540510208005056

Block: 540510208005057

Block: 540510208005058

Block: 540510208005059

Block: 540510208005060

Block: 540510208005061

Block: 540510208005062

Block: 540510208005063

Block: 540510208005064

Block: 540510208005067

Block: 540510208005068

Block: 540510208005069

Block: 540510208005072

Block: 540510208005073

Block: 540510208005074

Block: 540510208005075

Block: 540510208005076

Block: 540510208006042

Block: 540510208006044

Block: 540510208006046

Block: 540510208006047

Block: 540510208006048

Block: 540510208006049

Block: 540510208006050

Block: 540510208006051

Block: 540510208006052

Block: 540510208006053

Block: 540510208006054

Block: 540510208006055

Block: 540510208006056

Block: 540510208006057

Block: 540510208006058

Block: 540510208006059

Block: 540510208006060

Block: 540510208006061

~~Block: 540510208006062~~

~~Block: 540510208006065~~

~~Block: 540510208006066~~

~~Block: 540510208006067~~

~~Block: 540510208006068~~

~~Block: 540510208006069~~

~~Block: 540510208006070~~

~~Block: 540510208006073~~

~~Block: 540510208006074~~

~~Block: 540510208006075~~

~~Block: 540510208006084~~

~~Voting district: 52~~

~~Voting district: 6~~

~~Voting district: 60~~

~~Voting district: 7~~

~~Voting district: 9~~

~~Voting district: 9A~~

The following areas of Monongalia County:

~~Voting district: 40~~

~~Voting district: 41~~

~~Voting district: 42~~

~~Voting district: 44~~

~~Voting district: 46~~

~~Voting district: 47~~

~~Voting district: 49~~

~~Voting district: 51~~

~~Voting district: 52~~

~~Voting district: 53~~

~~Voting district: 54~~

~~Voting district: 55~~

~~Voting district: 56~~

~~Voting district: 58~~

The following blocks of voting district 79:

~~Block: 540610117001000~~

~~Block: 540610117001001~~

~~Block: 540610117001002~~

~~Block: 540610117001003~~

~~Block: 540610117001004~~

~~Block: 540610117001005~~

~~Block: 540610117001006~~

~~Block: 540610117001007~~

~~Block: 540610117001008~~

~~Block: 540610117001009~~

~~Block: 540610117001010~~

Block: 540610117001012

Block: 540610117001027

Block: 540610117002001

Block: 540610117002004

Block: 540610117002005

Block: 540610117002006

Block: 540610117002007

Block: 540610117002008

Block: 540610117002009

Block: 540610117002011

Block: 540610117002016

Block: 540610117002017

Block: 540610117002018

Block: 540610117002019

Block: 540610117002020

Block: 540610117002021

Block: 540610117002022

Block: 540610117002024

Block: 540610117003003

Block: 540610117004057

Block: 540610117004058

Block: 540610117004059

~~Voting district: 81~~

~~The following blocks of voting district 82:~~

~~Block: 540610117002000~~

~~Block: 540610117004005~~

~~Block: 540610117004006~~

~~Block: 540610117004007~~

~~Block: 540610117004008~~

~~Block: 540610117004009~~

~~Block: 540610117004010~~

~~Block: 540610117004011~~

~~Block: 540610117004012~~

~~Block: 540610117004013~~

~~Block: 540610117004014~~

~~Block: 540610117004015~~

~~Block: 540610117004016~~

~~Block: 540610117004017~~

~~Block: 540610117004018~~

~~Block: 540610117004019~~

~~Block: 540610117004020~~

~~Block: 540610117004021~~

~~Block: 540610117004022~~

~~Block: 540610117004023~~

Block: 540610117004028

Block: 540610117004029

Block: 540610117004030

Block: 540610117004031

Block: 540610117004032

Block: 540610117004033

Block: 540610117004034

Block: 540610117004035

Block: 540610117004036

Block: 540610117004037

Block: 540610117004038

Block: 540610117004039

Block: 540610117004047

Block: 540610117004048

Block: 540610117004049

Block: 540610117004050

Block: 540610117004051

Block: 540610117004052

Block: 540610117004053

Block: 540610117004054

Block: 540610117004055

Block: 540610117004056

Block: 540610117004060

Block: 540610117004085

Block: 540610117004097

The following blocks of voting district 84:

Block: 540610106003003

Block: 540610116002015

Block: 540610116002025

Block: 540610116002033

Block: 540610116002035

Block: 540610116002036

Block: 540610116002037

Block: 540610116002038

Block: 540610116002039

Block: 540610116003010

Block: 540610116003014

Block: 540610116003015

Block: 540610116003016

Block: 540610116003017

Block: 540610116003019

Block: 540610116003020

Block: 540610120003000

Voting district: 91

~~Ritchie County~~~~Tyler County~~~~Wetzel County~~District 2County: Doddridge WV 7808County: Marion WV (part)Tract: 202 (part)BlockGroup: 540490202001Block: 540490202001000 41Block: 540490202001001 0BlockGroup 540490202001 Subtotal 41Tract 202 Subtotal 41Tract: 203 (part)BlockGroup: 540490203003Block: 540490203003006 13Block: 540490203003007 90Block: 540490203003008 32Block: 540490203003009 26Block: 540490203003010 24Block: 540490203003011 122Block: 540490203003012 23Block: 540490203003013 116

Block: 540490203003014	14
Block: 540490203003015	13
Block: 540490203003016	0
Block: 540490203003020	9
BlockGroup 540490203003 Subtotal	482
Tract 203 Subtotal	482
<u>Tract: 204 (part)</u>	
BlockGroup: 540490204001	
Block: 540490204001004	765
Block: 540490204001005	17
Block: 540490204001011	8
Block: 540490204001013	28
Block: 540490204001014	0
Block: 540490204001015	1
Block: 540490204001016	6
Block: 540490204001017	190
Block: 540490204001018	11
Block: 540490204001019	63
Block: 540490204001021	0
Block: 540490204001022	6
Block: 540490204001023	0
Block: 540490204001024	0

<u>Block: 540490204001025</u>	<u>28</u>
<u>Block: 540490204001026</u>	<u>0</u>
<u>BlockGroup 540490204001 Subtotal</u>	<u>1123</u>
<u>Tract 204 Subtotal</u>	<u>1123</u>
<u>Tract: 205 (part)</u>	
<u>BlockGroup: 540490205001</u>	
<u>Block: 540490205001000</u>	<u>0</u>
<u>BlockGroup 540490205001 Subtotal</u>	<u>0</u>
<u>BlockGroup: 540490205003</u>	
<u>Block: 540490205003000</u>	<u>0</u>
<u>Block: 540490205003001</u>	<u>0</u>
<u>Block: 540490205003004</u>	<u>0</u>
<u>Block: 540490205003005</u>	<u>65</u>
<u>Block: 540490205003006</u>	<u>5</u>
<u>Block: 540490205003007</u>	<u>139</u>
<u>Block: 540490205003008</u>	<u>17</u>
<u>Block: 540490205003009</u>	<u>0</u>
<u>Block: 540490205003010</u>	<u>19</u>
<u>Block: 540490205003011</u>	<u>61</u>
<u>Block: 540490205003016</u>	<u>0</u>
<u>Block: 540490205003017</u>	<u>0</u>
<u>BlockGroup 540490205003 Subtotal</u>	<u>306</u>

<u>Tract 205 Subtotal</u>	<u>306</u>
<u>Tract: 206 (part)</u>	
<u>BlockGroup: 540490206002</u>	
<u>Block: 540490206002000</u>	<u>8</u>
<u>Block: 540490206002001</u>	<u>5</u>
<u>Block: 540490206002002</u>	<u>7</u>
<u>Block: 540490206002003</u>	<u>91</u>
<u>Block: 540490206002004</u>	<u>14</u>
<u>Block: 540490206002007</u>	<u>72</u>
<u>Block: 540490206002008</u>	<u>24</u>
<u>Block: 540490206002009</u>	<u>0</u>
<u>BlockGroup 540490206002 Subtotal</u>	<u>221</u>
<u>Tract 206 Subtotal</u>	<u>221</u>
<u>Tract: 212.02 (part)</u>	
<u>BlockGroup: 540490212021</u>	
<u>Block: 540490212021003</u>	<u>0</u>
<u>Block: 540490212021004</u>	<u>126</u>
<u>Block: 540490212021006</u>	<u>0</u>
<u>Block: 540490212021007</u>	<u>120</u>
<u>Block: 540490212021008</u>	<u>0</u>
<u>Block: 540490212021034</u>	<u>7</u>
<u>BlockGroup 540490212021 Subtotal</u>	<u>253</u>

<u>BlockGroup: 540490212022</u>	
<u>Block: 540490212022026</u>	<u>0</u>
<u>Block: 540490212022027</u>	<u>7</u>
<u>Block: 540490212022028</u>	<u>24</u>
<u>Block: 540490212022032</u>	<u>13</u>
<u>Block: 540490212022036</u>	<u>124</u>
<u>Block: 540490212022037</u>	<u>0</u>
<u>Block: 540490212022038</u>	<u>25</u>
<u>Block: 540490212022039</u>	<u>0</u>
<u>Block: 540490212022040</u>	<u>0</u>
<u>Block: 540490212022041</u>	<u>80</u>
<u>Block: 540490212022042</u>	<u>0</u>
<u>Block: 540490212022043</u>	<u>16</u>
<u>Block: 540490212022044</u>	<u>98</u>
<u>Block: 540490212022045</u>	<u>83</u>
<u>Block: 540490212022046</u>	<u>0</u>
<u>Block: 540490212022047</u>	<u>4</u>
<u>Block: 540490212022048</u>	<u>0</u>
<u>Block: 540490212022049</u>	<u>3</u>
<u>Block: 540490212022050</u>	<u>0</u>
<u>Block: 540490212022051</u>	<u>0</u>
<u>Block: 540490212022052</u>	<u>0</u>

<u>Block: 540490212022058</u>	<u>10</u>
<u>Block: 540490212022059</u>	<u>27</u>
<u>Block: 540490212022064</u>	<u>0</u>
<u>Block: 540490212022065</u>	<u>0</u>
<u>Block: 540490212022067</u>	<u>25</u>
<u>Block: 540490212022068</u>	<u>0</u>
<u>Block: 540490212022069</u>	<u>1</u>
<u>Block: 540490212022070</u>	<u>6</u>
<u>Block: 540490212022071</u>	<u>21</u>
<u>Block: 540490212022072</u>	<u>27</u>
<u>Block: 540490212022073</u>	<u>25</u>
<u>Block: 540490212022074</u>	<u>12</u>
<u>Block: 540490212022075</u>	<u>35</u>
<u>Block: 540490212022076</u>	<u>16</u>
<u>Block: 540490212022077</u>	<u>21</u>
<u>Block: 540490212022078</u>	<u>0</u>
<u>Block: 540490212022079</u>	<u>0</u>
<u>Block: 540490212022080</u>	<u>6</u>
<u>Block: 540490212022089</u>	<u>74</u>
<u>Block: 540490212022090</u>	<u>83</u>
<u>Block: 540490212022091</u>	<u>34</u>
<u>Block: 540490212022092</u>	<u>0</u>

Block: 540490212022093	0
Block: 540490212022094	9
Block: 540490212022095	0
Block: 540490212022096	0
Block: 540490212022097	11
Block: 540490212022098	31
Block: 540490212022099	16
Block: 540490212022100	13
Block: 540490212022101	14
Block: 540490212022102	0
BlockGroup 540490212022 Subtotal	994
Tract 212.02 Subtotal	1247
Tract: 213 (part)	
BlockGroup: 540490213001	1316
BlockGroup: 540490213002	1121
BlockGroup: 540490213003	
Block: 540490213003000	0
Block: 540490213003001	14
Block: 540490213003002	6
Block: 540490213003003	0
Block: 540490213003004	189
Block: 540490213003007	0

Block: 540490213003008	2
Block: 540490213003009	4
Block: 540490213003011	7
Block: 540490213003024	259
Block: 540490213003025	17
Block: 540490213003026	50
Block: 540490213003028	59
Block: 540490213003029	0
Block: 540490213003030	0
Block: 540490213003035	0
Block: 540490213003036	0
Block: 540490213003041	0
BlockGroup 540490213003 Subtotal	607
Tract 213 Subtotal	3044
Tract: 214	1848
Tract: 215 (part)	
BlockGroup: 540490215002	
Block: 540490215002000	96
Block: 540490215002001	24
Block: 540490215002002	27
Block: 540490215002003	74
Block: 540490215002004	88

<u>Block: 540490215002005</u>	<u>13</u>
<u>Block: 540490215002012</u>	<u>46</u>
<u>Block: 540490215002015</u>	<u>7</u>
<u>Block: 540490215002016</u>	<u>175</u>
<u>Block: 540490215002017</u>	<u>4</u>
<u>Block: 540490215002018</u>	<u>0</u>
<u>Block: 540490215002019</u>	<u>11</u>
<u>Block: 540490215002020</u>	<u>22</u>
<u>Block: 540490215002021</u>	<u>11</u>
<u>Block: 540490215002022</u>	<u>0</u>
<u>Block: 540490215002023</u>	<u>9</u>
<u>BlockGroup 540490215002 Subtotal</u>	<u>607</u>
<u>BlockGroup: 540490215003</u>	<u>897</u>
<u>BlockGroup: 540490215004</u>	
<u>Block: 540490215004000</u>	<u>4</u>
<u>Block: 540490215004001</u>	<u>0</u>
<u>Block: 540490215004002</u>	<u>2</u>
<u>Block: 540490215004003</u>	<u>89</u>
<u>Block: 540490215004004</u>	<u>0</u>
<u>Block: 540490215004005</u>	<u>0</u>
<u>Block: 540490215004006</u>	<u>16</u>
<u>Block: 540490215004007</u>	<u>0</u>

<u>Block: 540490215004008</u>	<u>0</u>
<u>Block: 540490215004009</u>	<u>0</u>
<u>Block: 540490215004010</u>	<u>0</u>
<u>Block: 540490215004011</u>	<u>0</u>
<u>Block: 540490215004012</u>	<u>0</u>
<u>Block: 540490215004013</u>	<u>14</u>
<u>Block: 540490215004014</u>	<u>0</u>
<u>Block: 540490215004015</u>	<u>0</u>
<u>Block: 540490215004016</u>	<u>32</u>
<u>Block: 540490215004017</u>	<u>38</u>
<u>Block: 540490215004018</u>	<u>18</u>
<u>Block: 540490215004019</u>	<u>17</u>
<u>Block: 540490215004020</u>	<u>8</u>
<u>Block: 540490215004021</u>	<u>13</u>
<u>Block: 540490215004022</u>	<u>0</u>
<u>Block: 540490215004023</u>	<u>0</u>
<u>Block: 540490215004024</u>	<u>7</u>
<u>Block: 540490215004025</u>	<u>25</u>
<u>Block: 540490215004026</u>	<u>10</u>
<u>Block: 540490215004027</u>	<u>0</u>
<u>Block: 540490215004028</u>	<u>0</u>
<u>Block: 540490215004029</u>	<u>0</u>

<u>Block: 540490215004030</u>	<u>0</u>	
<u>Block: 540490215004031</u>	<u>0</u>	
<u>Block: 540490215004034</u>	<u>3</u>	
<u>Block: 540490215004035</u>	<u>0</u>	
<u>Block: 540490215004036</u>	<u>40</u>	
<u>Block: 540490215004037</u>	<u>20</u>	
<u>Block: 540490215004038</u>	<u>13</u>	
<u>Block: 540490215004039</u>	<u>20</u>	
<u>Block: 540490215004040</u>	<u>17</u>	
<u>Block: 540490215004041</u>	<u>23</u>	
<u>Block: 540490215004042</u>	<u>23</u>	
<u>Block: 540490215004043</u>	<u>0</u>	
<u>Block: 540490215004044</u>	<u>0</u>	
<u>Block: 540490215004045</u>	<u>155</u>	
<u>Block: 540490215004046</u>	<u>12</u>	
<u>Block: 540490215004047</u>	<u>96</u>	
<u>Block: 540490215004048</u>	<u>6</u>	
<u>Block: 540490215004049</u>	<u>0</u>	
<u>BlockGroup 540490215004 Subtotal</u>		<u>721</u>
<u>Tract 215 Subtotal</u>	<u>2225</u>	
<u>Tract: 216.01</u>	<u>2178</u>	
<u>Tract: 216.02</u>	<u>2056</u>	

<u>Tract: 217</u>	<u>1872</u>
<u>Tract: 218</u>	<u>2642</u>
<u>County Marion WV Subtotal</u>	<u>19285</u>
<u>County: Marshall WV (part)</u>	
<u>Tract: 202</u>	<u>1806</u>
<u>Tract: 205</u>	<u>991</u>
<u>Tract: 206.01</u>	<u>2177</u>
<u>Tract: 207.02</u>	<u>1384</u>
<u>Tract: 209 (part)</u>	
<u>BlockGroup: 540510209001</u>	<u>1409</u>
<u>BlockGroup: 540510209002</u>	<u>2100</u>
<u>BlockGroup: 540510209003</u>	
<u>Block: 540510209003012</u>	<u>9</u>
<u>BlockGroup 540510209003 Subtotal</u>	<u>9</u>
<u>BlockGroup: 540510209004</u>	<u>641</u>
<u>Tract 209 Subtotal</u>	<u>4159</u>
<u>Tract: 210.02</u>	<u>4487</u>
<u>Tract: 211</u>	<u>4830</u>
<u>Tract: 213 (part)</u>	
<u>BlockGroup: 540510213003</u>	<u>1000</u>
<u>BlockGroup: 540510213004</u>	<u>861</u>
<u>Tract 213 Subtotal</u>	<u>1861</u>

<u>County Marshall WV Subtotal</u>	<u>21695</u>
<u>County: Monongalia WV (part)</u>	
<u>Tract: 108 (part)</u>	
<u>BlockGroup: 540610108001</u>	
<u>Block: 540610108001000</u>	<u>233</u>
<u>BlockGroup 540610108001 Subtotal</u>	<u>233</u>
<u>BlockGroup: 540610108002</u>	
<u>Block: 540610108002000</u>	<u>351</u>
<u>Block: 540610108002001</u>	<u>22</u>
<u>Block: 540610108002002</u>	<u>31</u>
<u>Block: 540610108002003</u>	<u>78</u>
<u>Block: 540610108002004</u>	<u>89</u>
<u>Block: 540610108002005</u>	<u>43</u>
<u>Block: 540610108002006</u>	<u>41</u>
<u>Block: 540610108002007</u>	<u>25</u>
<u>Block: 540610108002008</u>	<u>25</u>
<u>Block: 540610108002009</u>	<u>42</u>
<u>Block: 540610108002010</u>	<u>13</u>
<u>Block: 540610108002011</u>	<u>61</u>
<u>Block: 540610108002012</u>	<u>54</u>
<u>Block: 540610108002013</u>	<u>136</u>
<u>Block: 540610108002014</u>	<u>24</u>

<u>Block: 540610108002015</u>	<u>0</u>
<u>Block: 540610108002016</u>	<u>50</u>
<u>Block: 540610108002025</u>	<u>2</u>
<u>Block: 540610108002026</u>	<u>27</u>
<u>Block: 540610108002027</u>	<u>14</u>
<u>Block: 540610108002028</u>	<u>0</u>
<u>BlockGroup 540610108002 Subtotal</u>	<u>1128</u>
<u>BlockGroup: 540610108003</u>	<u>1126</u>
<u>Tract 108 Subtotal</u>	<u>2487</u>
<u>Tract: 113 (part)</u>	
<u>BlockGroup: 540610113001</u>	
<u>Block: 540610113001007</u>	<u>0</u>
<u>Block: 540610113001008</u>	<u>88</u>
<u>Block: 540610113001009</u>	<u>156</u>
<u>Block: 540610113001010</u>	<u>5</u>
<u>Block: 540610113001011</u>	<u>15</u>
<u>Block: 540610113001012</u>	<u>77</u>
<u>Block: 540610113001013</u>	<u>102</u>
<u>Block: 540610113001014</u>	<u>0</u>
<u>Block: 540610113001015</u>	<u>14</u>
<u>Block: 540610113001016</u>	<u>9</u>
<u>Block: 540610113001017</u>	<u>8</u>

<u>Block: 540610113001018</u>	<u>18</u>
<u>Block: 540610113001019</u>	<u>0</u>
<u>Block: 540610113001020</u>	<u>0</u>
<u>Block: 540610113001021</u>	<u>0</u>
<u>Block: 540610113001022</u>	<u>0</u>
<u>Block: 540610113001023</u>	<u>0</u>
<u>Block: 540610113001024</u>	<u>0</u>
<u>BlockGroup 540610113001 Subtotal</u>	<u>492</u>
<u>BlockGroup: 540610113002</u>	<u>726</u>
<u>BlockGroup: 540610113003</u>	
<u>Block: 540610113003017</u>	<u>165</u>
<u>Block: 540610113003018</u>	<u>0</u>
<u>Block: 540610113003019</u>	<u>7</u>
<u>Block: 540610113003020</u>	<u>9</u>
<u>Block: 540610113003021</u>	<u>17</u>
<u>Block: 540610113003022</u>	<u>4</u>
<u>Block: 540610113003023</u>	<u>12</u>
<u>Block: 540610113003024</u>	<u>0</u>
<u>Block: 540610113003037</u>	<u>18</u>
<u>Block: 540610113003038</u>	<u>41</u>
<u>Block: 540610113003041</u>	<u>0</u>
<u>Block: 540610113003042</u>	<u>9</u>

<u>BlockGroup 540610113003 Subtotal</u>	<u>282</u>
<u>BlockGroup: 540610113004</u>	<u>649</u>
<u>BlockGroup: 540610113005</u>	<u>699</u>
<u>BlockGroup: 540610113006</u>	<u>672</u>
<u>Tract 113 Subtotal</u>	<u>3520</u>
<u>Tract: 114</u>	<u>3612</u>
<u>Tract: 115 (part)</u>	
<u>BlockGroup: 540610115001</u>	
<u>Block: 540610115001000</u>	<u>34</u>
<u>Block: 540610115001001</u>	<u>9</u>
<u>Block: 540610115001002</u>	<u>23</u>
<u>Block: 540610115001003</u>	<u>5</u>
<u>Block: 540610115001004</u>	<u>87</u>
<u>Block: 540610115001005</u>	<u>15</u>
<u>Block: 540610115001006</u>	<u>4</u>
<u>Block: 540610115001007</u>	<u>14</u>
<u>Block: 540610115001008</u>	<u>11</u>
<u>Block: 540610115001009</u>	<u>3</u>
<u>Block: 540610115001010</u>	<u>88</u>
<u>Block: 540610115001011</u>	<u>29</u>
<u>Block: 540610115001012</u>	<u>0</u>
<u>Block: 540610115001013</u>	<u>10</u>

<u>Block: 540610115001014</u>	<u>38</u>
<u>Block: 540610115001015</u>	<u>66</u>
<u>Block: 540610115001016</u>	<u>0</u>
<u>Block: 540610115001017</u>	<u>6</u>
<u>Block: 540610115001018</u>	<u>7</u>
<u>Block: 540610115001019</u>	<u>105</u>
<u>Block: 540610115001020</u>	<u>9</u>
<u>Block: 540610115001021</u>	<u>0</u>
<u>Block: 540610115001025</u>	<u>0</u>
<u>Block: 540610115001026</u>	<u>0</u>
<u>Block: 540610115001027</u>	<u>159</u>
<u>Block: 540610115001028</u>	<u>0</u>
<u>Block: 540610115001029</u>	<u>0</u>
<u>Block: 540610115001030</u>	<u>0</u>
<u>Block: 540610115001031</u>	<u>3</u>
<u>Block: 540610115001032</u>	<u>12</u>
<u>Block: 540610115001033</u>	<u>3</u>
<u>Block: 540610115001034</u>	<u>0</u>
<u>Block: 540610115001036</u>	<u>0</u>
<u>Block: 540610115001037</u>	<u>3</u>
<u>Block: 540610115001038</u>	<u>14</u>
<u>Block: 540610115001039</u>	<u>0</u>

<u>Block: 540610115001040</u>	<u>74</u>
<u>Block: 540610115001041</u>	<u>9</u>
<u>Block: 540610115001042</u>	<u>12</u>
<u>BlockGroup 540610115001 Subtotal</u>	<u>852</u>
<u>BlockGroup: 540610115002</u>	<u>1190</u>
<u>BlockGroup: 540610115003</u>	<u>1442</u>
<u>BlockGroup: 540610115004</u>	<u>820</u>
<u>BlockGroup: 540610115005</u>	
<u>Block: 540610115005000</u>	<u>43</u>
<u>Block: 540610115005001</u>	<u>19</u>
<u>Block: 540610115005002</u>	<u>11</u>
<u>Block: 540610115005003</u>	<u>62</u>
<u>Block: 540610115005004</u>	<u>5</u>
<u>Block: 540610115005005</u>	<u>31</u>
<u>Block: 540610115005006</u>	<u>13</u>
<u>Block: 540610115005007</u>	<u>157</u>
<u>Block: 540610115005008</u>	<u>48</u>
<u>Block: 540610115005009</u>	<u>21</u>
<u>Block: 540610115005010</u>	<u>25</u>
<u>Block: 540610115005011</u>	<u>19</u>
<u>Block: 540610115005012</u>	<u>45</u>
<u>Block: 540610115005013</u>	<u>11</u>

<u>Block: 540610115005014</u>	<u>0</u>	
<u>Block: 540610115005015</u>	<u>70</u>	
<u>Block: 540610115005016</u>	<u>0</u>	
<u>Block: 540610115005017</u>	<u>7</u>	
<u>Block: 540610115005018</u>	<u>0</u>	
<u>Block: 540610115005019</u>	<u>0</u>	
<u>Block: 540610115005020</u>	<u>0</u>	
<u>Block: 540610115005021</u>	<u>0</u>	
<u>Block: 540610115005022</u>	<u>40</u>	
<u>Block: 540610115005025</u>	<u>88</u>	
<u>Block: 540610115005026</u>	<u>52</u>	
<u>Block: 540610115005027</u>	<u>34</u>	
<u>Block: 540610115005028</u>	<u>0</u>	
<u>Block: 540610115005031</u>	<u>0</u>	
<u>Block: 540610115005032</u>	<u>0</u>	
<u>Block: 540610115005033</u>	<u>113</u>	
<u>Block: 540610115005034</u>	<u>0</u>	
<u>Block: 540610115005039</u>	<u>0</u>	
<u>Block: 540610115005041</u>	<u>12</u>	
<u>BlockGroup 540610115005 Subtotal</u>		<u>926</u>
<u>Tract 115 Subtotal</u>	<u>5230</u>	
<u>Tract: 116.01</u>	<u>2769</u>	

<u>Tract: 116.02 (part)</u>	
<u>BlockGroup: 540610116021</u>	
Block: 540610116021000	<u>3</u>
Block: 540610116021009	<u>0</u>
BlockGroup 540610116021 Subtotal	<u>3</u>
BlockGroup: 540610116022	<u>1708</u>
BlockGroup: 540610116023	<u>1497</u>
Tract 116.02 Subtotal	<u>3208</u>
Tract: 117	<u>4483</u>
<u>Tract: 118.05 (part)</u>	
<u>BlockGroup: 540610118051</u>	
Block: 540610118051003	<u>347</u>
Block: 540610118051004	<u>65</u>
Block: 540610118051005	<u>36</u>
Block: 540610118051006	<u>68</u>
BlockGroup 540610118051 Subtotal	<u>516</u>
Tract 118.05 Subtotal	<u>516</u>
<u>Tract: 118.06 (part)</u>	
<u>BlockGroup: 540610118061</u>	
Block: 540610118061000	<u>0</u>
Block: 540610118061001	<u>127</u>
Block: 540610118061002	<u>8</u>

Block: 540610118061003	103
Block: 540610118061004	41
Block: 540610118061005	155
Block: 540610118061006	15
Block: 540610118061007	71
Block: 540610118061008	23
Block: 540610118061009	27
Block: 540610118061010	159
Block: 540610118061011	52
Block: 540610118061012	18
Block: 540610118061017	0
Block: 540610118061024	55
Block: 540610118061025	31
BlockGroup 540610118061 Subtotal	885
BlockGroup: 540610118062	1478
BlockGroup: 540610118063	1558
BlockGroup: 540610118064	1423
Tract 118.06 Subtotal	5344
Tract: 119 (part)	
BlockGroup: 540610119003	1544
Tract 119 Subtotal	1544
County Monongalia WV Subtotal	32713

<u>County: Tyler WV</u>	<u>8313</u>
<u>County: Wetzel WV</u>	<u>14442</u>
<u>District 2 Total</u>	<u>104256</u>

(3) The third senatorial district consists of the following counties, tracts, block groups, and blocks, together with their respective populations from the 2020 federal decennial census:

Pleasants County

The following areas of Roane County:

~~Voting district: 15~~

~~Voting district: 16~~

~~The following blocks of voting district 25:~~

~~Block: 540879628002000~~

~~Block: 540879628002001~~

~~Block: 540879628002002~~

~~Block: 540879628002003~~

~~Block: 540879628002004~~

~~Block: 540879628002005~~

~~Block: 540879628002006~~

~~Block: 540879628002007~~

~~Block: 540879628002008~~

~~Block: 540879628002009~~

~~Block: 540879628002010~~

~~Block: 540879628002011~~

Block: 540879628002012

Block: 540879628002013

Block: 540879628002014

Block: 540879628002015

Block: 540879628002016

Block: 540879628002017

Block: 540879628002018

Block: 540879628002019

Block: 540879628002020

Block: 540879628002021

Block: 540879628002022

Block: 540879628002023

Block: 540879628002024

Block: 540879628002025

Block: 540879628002026

Block: 540879628002027

Block: 540879628002028

Block: 540879628002029

Block: 540879628002036

Block: 540879628002037

Block: 540879628002038

Block: 540879628002039

Block: 540879628002040

Block: 540879628002041

Block: 540879628002042

Block: 540879628002043

Block: 540879628002047

Block: 540879628002048

Block: 540879628002049

Block: 540879628002050

Block: 540879628002051

Block: 540879628002052

Block: 540879628002055

Block: 540879628002056

Block: 540879628002057

Block: 540879628002059

Block: 540879628002060

Block: 540879628002061

Block: 540879628002062

Block: 540879628002063

Block: 540879628002064

Block: 540879628002065

Block: 540879628002066

Block: 540879628002067

Block: 540879628002068

Block: 540879628002069

Block: 540879628002070

Block: 540879628002071

Block: 540879628002072

Block: 540879628002073

Block: 540879628002075

Block: 540879628003000

Block: 540879628003001

Block: 540879628003014

Block: 540879628003015

Block: 540879628003030

Block: 540879628003031

Block: 540879628003032

Block: 540879628003033

Block: 540879628003034

Block: 540879628003035

Block: 540879628003036

Block: 540879628003037

Block: 540879628003038

Block: 540879628003039

Block: 540879628003040

~~Block: 540879628003041~~

~~Block: 540879628003051~~

~~Block: 540879628003052~~

~~Block: 540879628003054~~

~~Block: 540879628003055~~

~~Block: 540879630001005~~

~~Block: 540879630001011~~

~~Block: 540879630001012~~

~~Block: 540879630001013~~

~~Block: 540879630001014~~

~~Block: 540879630001015~~

~~Block: 540879630001016~~

~~Block: 540879630001017~~

~~Block: 540879630001018~~

~~Block: 540879630001040~~

~~Block: 540879630001041~~

~~Block: 540879630002000~~

~~Block: 540879630002001~~

~~Block: 540879630002002~~

~~Block: 540879630004009~~

~~Voting district: 28~~

~~Voting district: 4~~

~~Voting district: 5~~~~Voting district: 7~~~~Wirt County~~~~Wood County~~District 3

<u>County: Pleasants WV</u>	<u>7653</u>
<u>County: Ritchie WV</u>	<u>8444</u>
<u>County: Wirt WV (part)</u>	
<u>Tract: 301.01 (part)</u>	
<u>BlockGroup: 541050301011</u>	<u>1860</u>
<u>BlockGroup: 541050301012</u>	
<u>Block: 541050301012000</u>	<u>0</u>
<u>Block: 541050301012001</u>	<u>89</u>
<u>Block: 541050301012002</u>	<u>75</u>
<u>Block: 541050301012003</u>	<u>0</u>
<u>Block: 541050301012004</u>	<u>56</u>
<u>Block: 541050301012005</u>	<u>0</u>
<u>Block: 541050301012006</u>	<u>2</u>
<u>Block: 541050301012007</u>	<u>29</u>
<u>Block: 541050301012008</u>	<u>0</u>
<u>Block: 541050301012009</u>	<u>1</u>
<u>Block: 541050301012010</u>	<u>29</u>

<u>Block: 541050301012011</u>	<u>0</u>
<u>Block: 541050301012012</u>	<u>0</u>
<u>Block: 541050301012013</u>	<u>9</u>
<u>Block: 541050301012014</u>	<u>7</u>
<u>Block: 541050301012015</u>	<u>7</u>
<u>Block: 541050301012016</u>	<u>45</u>
<u>Block: 541050301012017</u>	<u>3</u>
<u>Block: 541050301012018</u>	<u>9</u>
<u>Block: 541050301012019</u>	<u>3</u>
<u>Block: 541050301012020</u>	<u>44</u>
<u>Block: 541050301012021</u>	<u>1</u>
<u>Block: 541050301012022</u>	<u>7</u>
<u>Block: 541050301012023</u>	<u>9</u>
<u>Block: 541050301012024</u>	<u>1</u>
<u>Block: 541050301012025</u>	<u>1</u>
<u>Block: 541050301012026</u>	<u>2</u>
<u>Block: 541050301012027</u>	<u>0</u>
<u>Block: 541050301012028</u>	<u>0</u>
<u>Block: 541050301012029</u>	<u>41</u>
<u>Block: 541050301012030</u>	<u>0</u>
<u>Block: 541050301012031</u>	<u>0</u>
<u>Block: 541050301012032</u>	<u>37</u>

<u>Block: 541050301012033</u>	<u>7</u>
<u>Block: 541050301012034</u>	<u>1</u>
<u>Block: 541050301012035</u>	<u>0</u>
<u>Block: 541050301012036</u>	<u>0</u>
<u>Block: 541050301012037</u>	<u>11</u>
<u>Block: 541050301012038</u>	<u>7</u>
<u>Block: 541050301012039</u>	<u>2</u>
<u>Block: 541050301012040</u>	<u>0</u>
<u>Block: 541050301012041</u>	<u>0</u>
<u>Block: 541050301012042</u>	<u>0</u>
<u>Block: 541050301012043</u>	<u>4</u>
<u>Block: 541050301012044</u>	<u>0</u>
<u>Block: 541050301012045</u>	<u>0</u>
<u>Block: 541050301012046</u>	<u>8</u>
<u>Block: 541050301012047</u>	<u>1</u>
<u>Block: 541050301012048</u>	<u>9</u>
<u>Block: 541050301012049</u>	<u>0</u>
<u>Block: 541050301012050</u>	<u>0</u>
<u>Block: 541050301012051</u>	<u>0</u>
<u>Block: 541050301012052</u>	<u>0</u>
<u>Block: 541050301012053</u>	<u>0</u>
<u>Block: 541050301012054</u>	<u>10</u>

<u>Block: 541050301012055</u>	<u>0</u>
<u>Block: 541050301012056</u>	<u>0</u>
<u>Block: 541050301012057</u>	<u>7</u>
<u>Block: 541050301012058</u>	<u>8</u>
<u>Block: 541050301012059</u>	<u>39</u>
<u>Block: 541050301012060</u>	<u>6</u>
<u>Block: 541050301012061</u>	<u>0</u>
<u>Block: 541050301012062</u>	<u>4</u>
<u>Block: 541050301012063</u>	<u>24</u>
<u>Block: 541050301012064</u>	<u>0</u>
<u>Block: 541050301012065</u>	<u>12</u>
<u>Block: 541050301012066</u>	<u>13</u>
<u>Block: 541050301012067</u>	<u>5</u>
<u>Block: 541050301012068</u>	<u>3</u>
<u>Block: 541050301012069</u>	<u>0</u>
<u>Block: 541050301012070</u>	<u>5</u>
<u>Block: 541050301012071</u>	<u>8</u>
<u>Block: 541050301012072</u>	<u>2</u>
<u>Block: 541050301012073</u>	<u>0</u>
<u>Block: 541050301012074</u>	<u>4</u>
<u>Block: 541050301012075</u>	<u>21</u>
<u>Block: 541050301012076</u>	<u>3</u>

<u>Block: 541050301012077</u>	<u>19</u>
<u>Block: 541050301012078</u>	<u>3</u>
<u>Block: 541050301012079</u>	<u>6</u>
<u>Block: 541050301012080</u>	<u>24</u>
<u>Block: 541050301012081</u>	<u>7</u>
<u>Block: 541050301012082</u>	<u>5</u>
<u>Block: 541050301012083</u>	<u>4</u>
<u>Block: 541050301012084</u>	<u>0</u>
<u>Block: 541050301012085</u>	<u>11</u>
<u>Block: 541050301012086</u>	<u>0</u>
<u>Block: 541050301012087</u>	<u>17</u>
<u>Block: 541050301012088</u>	<u>0</u>
<u>Block: 541050301012089</u>	<u>8</u>
<u>Block: 541050301012090</u>	<u>0</u>
<u>Block: 541050301012091</u>	<u>0</u>
<u>Block: 541050301012092</u>	<u>17</u>
<u>Block: 541050301012093</u>	<u>8</u>
<u>Block: 541050301012094</u>	<u>0</u>
<u>Block: 541050301012095</u>	<u>0</u>
<u>Block: 541050301012096</u>	<u>16</u>
<u>Block: 541050301012097</u>	<u>0</u>
<u>Block: 541050301012098</u>	<u>5</u>

<u>Block: 541050301012099</u>	<u>9</u>
<u>Block: 541050301012100</u>	<u>4</u>
<u>Block: 541050301012101</u>	<u>4</u>
<u>Block: 541050301012102</u>	<u>5</u>
<u>Block: 541050301012103</u>	<u>0</u>
<u>Block: 541050301012104</u>	<u>0</u>
<u>Block: 541050301012105</u>	<u>3</u>
<u>Block: 541050301012106</u>	<u>0</u>
<u>Block: 541050301012107</u>	<u>0</u>
<u>Block: 541050301012108</u>	<u>0</u>
<u>Block: 541050301012109</u>	<u>0</u>
<u>Block: 541050301012110</u>	<u>0</u>
<u>Block: 541050301012111</u>	<u>0</u>
<u>Block: 541050301012112</u>	<u>0</u>
<u>Block: 541050301012113</u>	<u>14</u>
<u>Block: 541050301012114</u>	<u>0</u>
<u>Block: 541050301012115</u>	<u>37</u>
<u>Block: 541050301012116</u>	<u>6</u>
<u>Block: 541050301012117</u>	<u>0</u>
<u>Block: 541050301012118</u>	<u>1</u>
<u>Block: 541050301012119</u>	<u>0</u>
<u>Block: 541050301012120</u>	<u>7</u>

<u>Block: 541050301012121</u>	<u>0</u>
<u>Block: 541050301012122</u>	<u>2</u>
<u>Block: 541050301012123</u>	<u>4</u>
<u>Block: 541050301012124</u>	<u>6</u>
<u>Block: 541050301012125</u>	<u>6</u>
<u>Block: 541050301012126</u>	<u>0</u>
<u>Block: 541050301012127</u>	<u>0</u>
<u>Block: 541050301012128</u>	<u>1</u>
<u>Block: 541050301012129</u>	<u>0</u>
<u>Block: 541050301012130</u>	<u>0</u>
<u>Block: 541050301012131</u>	<u>0</u>
<u>Block: 541050301012132</u>	<u>0</u>
<u>Block: 541050301012133</u>	<u>8</u>
<u>Block: 541050301012134</u>	<u>8</u>
<u>Block: 541050301012135</u>	<u>0</u>
<u>Block: 541050301012136</u>	<u>28</u>
<u>Block: 541050301012137</u>	<u>67</u>
<u>Block: 541050301012138</u>	<u>14</u>
<u>Block: 541050301012140</u>	<u>3</u>
<u>Block: 541050301012141</u>	<u>0</u>
<u>Block: 541050301012142</u>	<u>11</u>
<u>Block: 541050301012143</u>	<u>0</u>

Block: 541050301012144	2
Block: 541050301012145	4
Block: 541050301012146	13
Block: 541050301012147	4
Block: 541050301012148	14
Block: 541050301012149	7
Block: 541050301012150	11
Block: 541050301012151	12
Block: 541050301012152	8
Block: 541050301012153	0
Block: 541050301012154	8
Block: 541050301012155	0
BlockGroup 541050301012 Subtotal	1212
Tract 301.01 Subtotal	3072
Tract: 301.02	2122
County Wirt WV Subtotal	5194
County: Wood WV	84296
District 3 Total	105587

(4) The fourth senatorial district consists of the following counties, tracts, block groups, and blocks, together with their respective populations from the 2020 federal decennial census:

Jackson County

Mason County

The following areas of Putnam County:

~~Voting district: 10~~

~~Voting district: 13~~

~~Voting district: 24~~

~~Voting district: 25~~

~~Voting district: 26~~

~~Voting district: 27~~

~~Voting district: 28~~

~~Voting district: 29~~

~~Voting district: 30~~

~~Voting district: 31~~

~~Voting district: 32~~

~~Voting district: 33~~

~~Voting district: 41~~

~~Voting district: 42~~

~~Voting district: 43~~

~~Voting district: 47~~

~~Voting district: 48~~

~~Voting district: 6~~

~~Voting district: 7~~

~~Voting district: 8~~

~~Voting district: 9~~

~~The following areas of Roane County:~~

~~Voting district: 1~~

~~Voting district: 10~~

~~Voting district: 11~~

~~Voting district: 12~~

~~Voting district: 18~~

~~Voting district: 19~~

~~Voting district: 20~~

~~Voting district: 21~~

~~Voting district: 22~~

~~Voting district: 23~~

~~The following blocks of voting district 25:~~

~~Block: 540879628002053~~

~~Block: 540879628002054~~

~~Block: 540879628002058~~

~~Block: 540879630001000~~

~~Block: 540879630001001~~

~~Block: 540879630001002~~

~~Block: 540879630001009~~

~~Block: 540879630001023~~

~~Block: 540879630002014~~

~~Block: 540879630002028~~

~~Voting district: 29~~~~Voting district: 30~~~~Voting district: 32~~District 4County: Cabell WV (part)Tract: 103 (part)BlockGroup: 540110103001Block: 540110103001000 9Block: 540110103001001 0Block: 540110103001002 0Block: 540110103001003 51Block: 540110103001004 40Block: 540110103001005 36Block: 540110103001006 27Block: 540110103001007 23Block: 540110103001008 160Block: 540110103001009 17Block: 540110103001010 9Block: 540110103001011 0Block: 540110103001014 55BlockGroup 540110103001 Subtotal 427BlockGroup: 540110103002 599

<u>Tract 103 Subtotal</u>	<u>1026</u>
<u>Tract: 105 (part)</u>	
<u>BlockGroup: 540110105003</u>	
<u>Block: 540110105003000</u>	<u>19</u>
<u>Block: 540110105003001</u>	<u>9</u>
<u>Block: 540110105003002</u>	<u>9</u>
<u>Block: 540110105003003</u>	<u>121</u>
<u>Block: 540110105003004</u>	<u>38</u>
<u>Block: 540110105003005</u>	<u>10</u>
<u>Block: 540110105003006</u>	<u>57</u>
<u>Block: 540110105003007</u>	<u>25</u>
<u>Block: 540110105003008</u>	<u>163</u>
<u>Block: 540110105003009</u>	<u>0</u>
<u>Block: 540110105003010</u>	<u>44</u>
<u>Block: 540110105003011</u>	<u>0</u>
<u>Block: 540110105003012</u>	<u>76</u>
<u>Block: 540110105003013</u>	<u>6</u>
<u>Block: 540110105003014</u>	<u>6</u>
<u>Block: 540110105003015</u>	<u>8</u>
<u>Block: 540110105003016</u>	<u>50</u>
<u>Block: 540110105003017</u>	<u>0</u>
<u>Block: 540110105003018</u>	<u>17</u>

<u>Block: 540110105003019</u>	<u>58</u>
<u>Block: 540110105003020</u>	<u>13</u>
<u>Block: 540110105003021</u>	<u>5</u>
<u>Block: 540110105003022</u>	<u>104</u>
<u>Block: 540110105003023</u>	<u>12</u>
<u>Block: 540110105003024</u>	<u>103</u>
<u>Block: 540110105003025</u>	<u>63</u>
<u>Block: 540110105003026</u>	<u>16</u>
<u>Block: 540110105003027</u>	<u>3</u>
<u>Block: 540110105003031</u>	<u>8</u>
<u>Block: 540110105003032</u>	<u>7</u>
<u>BlockGroup 540110105003 Subtotal</u>	<u>1050</u>
<u>Tract 105 Subtotal</u>	<u>1050</u>
<u>Tract: 106 (part)</u>	
<u>BlockGroup: 540110106001</u>	<u>964</u>
<u>BlockGroup: 540110106002</u>	<u>854</u>
<u>BlockGroup: 540110106003</u>	<u>1247</u>
<u>BlockGroup: 540110106004</u>	
<u>Block: 540110106004000</u>	<u>0</u>
<u>Block: 540110106004001</u>	<u>0</u>
<u>Block: 540110106004002</u>	<u>0</u>
<u>Block: 540110106004003</u>	<u>314</u>

<u>Block: 540110106004004</u>	<u>44</u>
<u>Block: 540110106004005</u>	<u>5</u>
<u>Block: 540110106004006</u>	<u>88</u>
<u>Block: 540110106004007</u>	<u>10</u>
<u>Block: 540110106004008</u>	<u>0</u>
<u>Block: 540110106004009</u>	<u>0</u>
<u>Block: 540110106004010</u>	<u>7</u>
<u>Block: 540110106004011</u>	<u>5</u>
<u>Block: 540110106004012</u>	<u>10</u>
<u>Block: 540110106004013</u>	<u>24</u>
<u>Block: 540110106004014</u>	<u>27</u>
<u>Block: 540110106004015</u>	<u>16</u>
<u>Block: 540110106004016</u>	<u>0</u>
<u>Block: 540110106004032</u>	<u>56</u>
<u>Block: 540110106004033</u>	<u>2</u>
<u>Block: 540110106004034</u>	<u>29</u>
<u>Block: 540110106004036</u>	<u>0</u>
<u>BlockGroup 540110106004 Subtotal</u>	<u>637</u>
<u>Tract 106 Subtotal</u>	<u>3702</u>
<u>Tract: 107.01</u>	<u>3127</u>
<u>Tract: 107.02 (part)</u>	
<u>BlockGroup: 540110107021</u>	

<u>Block: 540110107021000</u>	<u>0</u>
<u>Block: 540110107021001</u>	<u>38</u>
<u>Block: 540110107021002</u>	<u>690</u>
<u>Block: 540110107021003</u>	<u>72</u>
<u>Block: 540110107021004</u>	<u>49</u>
<u>Block: 540110107021005</u>	<u>62</u>
<u>Block: 540110107021006</u>	<u>0</u>
<u>Block: 540110107021007</u>	<u>49</u>
<u>Block: 540110107021008</u>	<u>0</u>
<u>Block: 540110107021009</u>	<u>0</u>
<u>Block: 540110107021010</u>	<u>9</u>
<u>Block: 540110107021011</u>	<u>0</u>
<u>Block: 540110107021012</u>	<u>0</u>
<u>Block: 540110107021014</u>	<u>397</u>
<u>Block: 540110107021015</u>	<u>21</u>
<u>Block: 540110107021016</u>	<u>0</u>
<u>Block: 540110107021017</u>	<u>34</u>
<u>Block: 540110107021018</u>	<u>17</u>
<u>Block: 540110107021026</u>	<u>0</u>
<u>Block: 540110107021027</u>	<u>103</u>
<u>Block: 540110107021030</u>	<u>0</u>
<u>Block: 540110107021031</u>	<u>0</u>

Block: 540110107021037	11
Block: 540110107021038	13
BlockGroup 540110107021 Subtotal	1565
BlockGroup: 540110107022	1797
Tract 107.02 Subtotal	3362
Tract: 108.01	2156
Tract: 108.02	4221
County Cabell WV Subtotal	18644
County: Jackson WV (part)	
Tract: 9632 (part)	
BlockGroup: 540359632001	1036
BlockGroup: 540359632002	
Block: 540359632002001	26
Block: 540359632002002	0
Block: 540359632002003	4
Block: 540359632002004	0
Block: 540359632002005	14
Block: 540359632002006	11
Block: 540359632002007	8
Block: 540359632002008	0
Block: 540359632002009	39
Block: 540359632002010	1

<u>Block: 540359632002011</u>	<u>0</u>
<u>Block: 540359632002012</u>	<u>11</u>
<u>Block: 540359632002013</u>	<u>21</u>
<u>Block: 540359632002014</u>	<u>12</u>
<u>Block: 540359632002015</u>	<u>5</u>
<u>Block: 540359632002016</u>	<u>0</u>
<u>Block: 540359632002017</u>	<u>5</u>
<u>Block: 540359632002018</u>	<u>56</u>
<u>Block: 540359632002019</u>	<u>6</u>
<u>Block: 540359632002020</u>	<u>22</u>
<u>Block: 540359632002021</u>	<u>0</u>
<u>Block: 540359632002022</u>	<u>0</u>
<u>Block: 540359632002023</u>	<u>55</u>
<u>Block: 540359632002024</u>	<u>6</u>
<u>Block: 540359632002025</u>	<u>0</u>
<u>Block: 540359632002026</u>	<u>0</u>
<u>Block: 540359632002027</u>	<u>7</u>
<u>Block: 540359632002047</u>	<u>0</u>
<u>Block: 540359632002048</u>	<u>3</u>
<u>Block: 540359632002071</u>	<u>13</u>
<u>Block: 540359632002072</u>	<u>4</u>
<u>Block: 540359632002073</u>	<u>0</u>

Block: 540359632002074	0
Block: 540359632002075	0
Block: 540359632002076	47
Block: 540359632002077	4
Block: 540359632002078	7
Block: 540359632002079	0
Block: 540359632002080	0
Block: 540359632002081	17
Block: 540359632002082	19
Block: 540359632002087	6
BlockGroup 540359632002 Subtotal	429
BlockGroup: 540359632003	1477
BlockGroup: 540359632004	755
Tract 9632 Subtotal	3697
Tract: 9633	4674
Tract: 9634	3802
Tract: 9635	2850
Tract: 9636	4529
County Jackson WV Subtotal	19552
County: Mason WV	25453
County: Putnam WV (part)	
Tract: 203	5575

<u>Tract: 204</u>	<u>6685</u>
<u>Tract: 206.01</u>	<u>5984</u>
<u>Tract: 206.04</u>	<u>2884</u>
<u>Tract: 206.06</u>	<u>4453</u>
<u>Tract: 206.07</u>	<u>3423</u>
<u>Tract: 206.08</u>	<u>4871</u>
<u>Tract: 206.09</u>	<u>3123</u>
<u>Tract: 207</u>	<u>4238</u>
<u>County Putnam WV Subtotal</u>	<u>41236</u>
<u>District 4 Total</u>	<u>104885</u>

(5) The fifth senatorial district consists of the following counties, tracts, block groups, and blocks, together with their respective populations from the 2020 federal decennial census:

~~Cabell County~~

~~The following areas of Wayne County:~~

~~Voting district: 11~~

~~Voting district: 12~~

~~Voting district: 13~~

~~Voting district: 14~~

~~Voting district: 16~~

~~Voting district: 17~~

~~Voting district: 20~~

~~Voting district: 21~~

~~Voting district: 56~~~~Voting district: 57~~~~Voting district: 59~~~~Voting district: 60~~~~Voting district: 61~~~~Voting district: 62~~~~Voting district: 63~~District 5County: Cabell WV (part)

<u>Tract: 1.01</u>	<u>1617</u>
<u>Tract: 1.02</u>	<u>1975</u>
<u>Tract: 10</u>	<u>2083</u>
<u>Tract: 101.03</u>	<u>2884</u>
<u>Tract: 101.04</u>	<u>2934</u>
<u>Tract: 102.02</u>	<u>4267</u>
<u>Tract: 102.03</u>	<u>4113</u>
<u>Tract: 102.04</u>	<u>1620</u>
<u>Tract: 103 (part)</u>	
<u>BlockGroup: 540110103001</u>	
<u>Block: 540110103001012</u>	<u>0</u>
<u>Block: 540110103001013</u>	<u>19</u>
<u>Block: 540110103001015</u>	<u>90</u>

<u>Block: 540110103001016</u>	<u>9</u>
<u>Block: 540110103001017</u>	<u>8</u>
<u>BlockGroup 540110103001 Subtotal</u>	<u>126</u>
<u>BlockGroup: 540110103003</u>	<u>1016</u>
<u>BlockGroup: 540110103004</u>	<u>876</u>
<u>Tract 103 Subtotal</u>	<u>2018</u>
<u>Tract: 104.01</u>	<u>3372</u>
<u>Tract: 104.02</u>	<u>3169</u>
<u>Tract: 105 (part)</u>	
<u>BlockGroup: 540110105001</u>	<u>1352</u>
<u>BlockGroup: 540110105002</u>	<u>1368</u>
<u>BlockGroup: 540110105003</u>	
<u>Block: 540110105003028</u>	<u>11</u>
<u>Block: 540110105003029</u>	<u>10</u>
<u>Block: 540110105003030</u>	<u>57</u>
<u>Block: 540110105003033</u>	<u>39</u>
<u>Block: 540110105003034</u>	<u>4</u>
<u>Block: 540110105003035</u>	<u>1</u>
<u>BlockGroup 540110105003 Subtotal</u>	<u>122</u>
<u>BlockGroup: 540110105004</u>	<u>1736</u>
<u>Tract 105 Subtotal</u>	<u>4578</u>
<u>Tract: 106 (part)</u>	

<u>BlockGroup: 540110106004</u>	
Block: 540110106004017	0
Block: 540110106004018	90
Block: 540110106004019	46
Block: 540110106004020	15
Block: 540110106004021	31
Block: 540110106004022	0
Block: 540110106004023	0
Block: 540110106004024	0
Block: 540110106004025	8
Block: 540110106004026	6
Block: 540110106004027	46
Block: 540110106004028	0
Block: 540110106004029	76
Block: 540110106004030	0
Block: 540110106004031	143
Block: 540110106004035	60
BlockGroup 540110106004 Subtotal	521
Tract 106 Subtotal	521
<u>Tract: 107.02 (part)</u>	
<u>BlockGroup: 540110107021</u>	
Block: 540110107021013	0

<u>Block: 540110107021019</u>	<u>0</u>
<u>Block: 540110107021020</u>	<u>30</u>
<u>Block: 540110107021021</u>	<u>17</u>
<u>Block: 540110107021022</u>	<u>41</u>
<u>Block: 540110107021023</u>	<u>31</u>
<u>Block: 540110107021024</u>	<u>8</u>
<u>Block: 540110107021025</u>	<u>15</u>
<u>Block: 540110107021028</u>	<u>66</u>
<u>Block: 540110107021029</u>	<u>152</u>
<u>Block: 540110107021032</u>	<u>16</u>
<u>Block: 540110107021033</u>	<u>32</u>
<u>Block: 540110107021034</u>	<u>59</u>
<u>Block: 540110107021035</u>	<u>73</u>
<u>Block: 540110107021036</u>	<u>185</u>
<u>BlockGroup 540110107021 Subtotal</u>	<u>725</u>
<u>Tract 107.02 Subtotal</u>	<u>725</u>
<u>Tract: 109</u>	<u>1800</u>
<u>Tract: 11</u>	<u>1888</u>
<u>Tract: 12</u>	<u>2606</u>
<u>Tract: 13</u>	<u>2713</u>
<u>Tract: 14</u>	<u>2352</u>
<u>Tract: 15</u>	<u>2084</u>

Tract: 16	1084
Tract: 18	3444
Tract: 19	2153
Tract: 2	2709
Tract: 20	3273
Tract: 21	3252
Tract: 3	2485
Tract: 4	2308
Tract: 5	2936
Tract: 6	1234
Tract: 9	1509
County Cabell WV Subtotal	75706
County: Wayne WV (part)	
Tract: 201	2270
Tract: 203	4591
Tract: 204	5876
Tract: 205	4746
Tract: 206 (part)	
BlockGroup: 540990206001	868
BlockGroup: 540990206002	1309
BlockGroup: 540990206003	647
BlockGroup: 540990206004	

<u>Block: 540990206004000</u>	<u>317</u>
<u>Block: 540990206004001</u>	<u>9</u>
<u>Block: 540990206004002</u>	<u>127</u>
<u>Block: 540990206004003</u>	<u>36</u>
<u>Block: 540990206004004</u>	<u>0</u>
<u>Block: 540990206004005</u>	<u>15</u>
<u>Block: 540990206004006</u>	<u>19</u>
<u>Block: 540990206004007</u>	<u>30</u>
<u>Block: 540990206004008</u>	<u>0</u>
<u>Block: 540990206004009</u>	<u>3</u>
<u>Block: 540990206004010</u>	<u>0</u>
<u>Block: 540990206004011</u>	<u>0</u>
<u>Block: 540990206004012</u>	<u>17</u>
<u>Block: 540990206004013</u>	<u>0</u>
<u>Block: 540990206004014</u>	<u>0</u>
<u>Block: 540990206004015</u>	<u>67</u>
<u>Block: 540990206004016</u>	<u>31</u>
<u>Block: 540990206004017</u>	<u>18</u>
<u>Block: 540990206004018</u>	<u>46</u>
<u>Block: 540990206004019</u>	<u>9</u>
<u>Block: 540990206004020</u>	<u>2</u>
<u>Block: 540990206004021</u>	<u>194</u>

<u>Block: 540990206004022</u>	<u>15</u>
<u>Block: 540990206004023</u>	<u>35</u>
<u>Block: 540990206004024</u>	<u>0</u>
<u>Block: 540990206004025</u>	<u>3</u>
<u>Block: 540990206004026</u>	<u>3</u>
<u>Block: 540990206004027</u>	<u>15</u>
<u>Block: 540990206004028</u>	<u>8</u>
<u>Block: 540990206004029</u>	<u>135</u>
<u>Block: 540990206004030</u>	<u>20</u>
<u>Block: 540990206004031</u>	<u>116</u>
<u>Block: 540990206004032</u>	<u>4</u>
<u>Block: 540990206004033</u>	<u>9</u>
<u>Block: 540990206004034</u>	<u>20</u>
<u>Block: 540990206004035</u>	<u>15</u>
<u>Block: 540990206004036</u>	<u>0</u>
<u>Block: 540990206004037</u>	<u>11</u>
<u>Block: 540990206004038</u>	<u>51</u>
<u>Block: 540990206004039</u>	<u>0</u>
<u>Block: 540990206004040</u>	<u>193</u>
<u>Block: 540990206004041</u>	<u>11</u>
<u>Block: 540990206004042</u>	<u>11</u>
<u>Block: 540990206004043</u>	<u>0</u>

<u>Block: 540990206004044</u>	<u>0</u>
<u>Block: 540990206004045</u>	<u>36</u>
<u>Block: 540990206004046</u>	<u>7</u>
<u>Block: 540990206004047</u>	<u>9</u>
<u>Block: 540990206004048</u>	<u>9</u>
<u>Block: 540990206004049</u>	<u>0</u>
<u>Block: 540990206004050</u>	<u>0</u>
<u>Block: 540990206004051</u>	<u>0</u>
<u>Block: 540990206004052</u>	<u>0</u>
<u>Block: 540990206004053</u>	<u>9</u>
<u>Block: 540990206004054</u>	<u>9</u>
<u>Block: 540990206004055</u>	<u>22</u>
<u>Block: 540990206004060</u>	<u>29</u>
<u>Block: 540990206004061</u>	<u>1</u>
<u>Block: 540990206004062</u>	<u>0</u>
<u>Block: 540990206004063</u>	<u>0</u>
<u>Block: 540990206004064</u>	<u>54</u>
<u>Block: 540990206004065</u>	<u>7</u>
<u>BlockGroup 540990206004 Subtotal</u>	<u>1807</u>
<u>Tract 206 Subtotal</u>	<u>4631</u>
<u>Tract: 207 (part)</u>	
<u>BlockGroup: 540990207001</u>	<u>1523</u>

<u>BlockGroup: 540990207002</u>	
<u>Block: 540990207002000</u>	<u>9</u>
<u>Block: 540990207002001</u>	<u>34</u>
<u>Block: 540990207002002</u>	<u>16</u>
<u>Block: 540990207002003</u>	<u>10</u>
<u>Block: 540990207002004</u>	<u>5</u>
<u>Block: 540990207002005</u>	<u>65</u>
<u>Block: 540990207002006</u>	<u>14</u>
<u>Block: 540990207002007</u>	<u>18</u>
<u>Block: 540990207002008</u>	<u>17</u>
<u>Block: 540990207002009</u>	<u>102</u>
<u>Block: 540990207002010</u>	<u>7</u>
<u>Block: 540990207002011</u>	<u>34</u>
<u>Block: 540990207002012</u>	<u>14</u>
<u>Block: 540990207002013</u>	<u>28</u>
<u>Block: 540990207002014</u>	<u>22</u>
<u>Block: 540990207002015</u>	<u>129</u>
<u>Block: 540990207002016</u>	<u>0</u>
<u>Block: 540990207002017</u>	<u>0</u>
<u>Block: 540990207002018</u>	<u>0</u>
<u>Block: 540990207002019</u>	<u>0</u>
<u>Block: 540990207002020</u>	<u>5</u>

<u>Block: 540990207002021</u>	<u>0</u>
<u>Block: 540990207002022</u>	<u>0</u>
<u>Block: 540990207002023</u>	<u>0</u>
<u>Block: 540990207002024</u>	<u>0</u>
<u>Block: 540990207002025</u>	<u>10</u>
<u>Block: 540990207002026</u>	<u>0</u>
<u>Block: 540990207002027</u>	<u>61</u>
<u>Block: 540990207002028</u>	<u>14</u>
<u>Block: 540990207002029</u>	<u>82</u>
<u>Block: 540990207002030</u>	<u>10</u>
<u>Block: 540990207002031</u>	<u>57</u>
<u>Block: 540990207002032</u>	<u>33</u>
<u>Block: 540990207002033</u>	<u>8</u>
<u>Block: 540990207002034</u>	<u>0</u>
<u>Block: 540990207002035</u>	<u>0</u>
<u>Block: 540990207002036</u>	<u>37</u>
<u>Block: 540990207002037</u>	<u>0</u>
<u>Block: 540990207002040</u>	<u>2</u>
<u>Block: 540990207002051</u>	<u>14</u>
<u>Block: 540990207002052</u>	<u>0</u>
<u>Block: 540990207002053</u>	<u>18</u>
<u>Block: 540990207002054</u>	<u>83</u>

Block: 540990207002055	39
Block: 540990207002056	0
BlockGroup 540990207002 Subtotal	997
BlockGroup: 540990207003	
Block: 540990207003011	2
Block: 540990207003012	31
Block: 540990207003015	0
Block: 540990207003016	1
Block: 540990207003017	0
Block: 540990207003018	0
Block: 540990207003019	0
Block: 540990207003020	0
Block: 540990207003021	0
Block: 540990207003022	0
Block: 540990207003023	0
Block: 540990207003024	11
Block: 540990207003025	39
Block: 540990207003026	0
Block: 540990207003027	9
Block: 540990207003028	0
Block: 540990207003029	0
Block: 540990207003030	0

Block: 540990207003031	2
Block: 540990207003032	0
Block: 540990207003033	17
Block: 540990207003034	0
Block: 540990207003035	0
Block: 540990207003036	45
Block: 540990207003037	0
Block: 540990207003038	5
Block: 540990207003039	21
Block: 540990207003040	5
Block: 540990207003041	5
Block: 540990207003042	0
BlockGroup 540990207003 Subtotal	193
Tract 207 Subtotal	2713
Tract: 209 (part)	
BlockGroup: 540990209001	831
BlockGroup: 540990209002	595
BlockGroup: 540990209003	
Block: 540990209003001	16
Block: 540990209003002	32
Block: 540990209003003	4
BlockGroup 540990209003 Subtotal	52

<u>Tract 209 Subtotal</u>	<u>1478</u>
<u>Tract: 210 (part)</u>	
<u>BlockGroup: 540990210001</u>	<u>405</u>
<u>Tract 210 Subtotal</u>	<u>405</u>
<u>Tract: 51</u>	<u>1963</u>
<u>Tract: 52</u>	<u>1956</u>
<u>County Wayne WV Subtotal</u>	<u>30629</u>
<u>District 5 Total</u>	<u>106335</u>

(6) The sixth senatorial district consists of the following counties, tracts, block groups, and blocks, together with their respective populations from the 2020 federal decennial census:

The following areas of McDowell County:

~~Voting district: 1~~

~~Voting district: 100~~

~~Voting district: 102~~

~~Voting district: 103~~

~~Voting district: 104~~

~~Voting district: 105~~

~~Voting district: 106~~

~~Voting district: 107~~

~~Voting district: 109~~

~~Voting district: 11~~

~~Voting district: 111~~

~~Voting district: 112~~

~~Voting district: 113~~

~~Voting district: 114~~

~~Voting district: 116~~

~~Voting district: 14~~

~~Voting district: 17~~

~~Voting district: 20~~

~~Voting district: 21~~

~~Voting district: 28~~

~~The following blocks of voting district 32:~~

~~Block: 540479538004093~~

~~Block: 540479538004096~~

~~Block: 540479538004098~~

~~Block: 540479545041002~~

~~Block: 540479545041003~~

~~Block: 540479545041004~~

~~Block: 540479545041005~~

~~Block: 540479545041006~~

~~Block: 540479545041007~~

~~Block: 540479545041008~~

~~Block: 540479545041009~~

~~Block: 540479545041010~~

~~Block: 540479545041011~~

~~Block: 540479545041012~~

~~Block: 540479545041013~~

~~Block: 540479545041034~~

~~Block: 540479545041037~~

~~Block: 540479545041039~~

~~Block: 540479545041040~~

~~Block: 540479545041041~~

~~Block: 540479545041149~~

~~Block: 540479545045007~~

~~Block: 540479545045008~~

~~Block: 540479545045010~~

~~Voting district: 34~~

~~Voting district: 50~~

~~The following blocks of voting district 58:~~

~~Block: 540479545031063~~

~~Block: 540479545031066~~

~~Block: 540479545031067~~

~~Block: 540479545031077~~

~~Block: 540479545031078~~

~~Block: 540479545031079~~

~~Block: 540479545031081~~

Block: 540479545031082

Block: 540479545031083

Block: 540479545031086

Block: 540479545031089

Block: 540479545031090

Block: 540479545031091

Block: 540479545031092

Block: 540479545031101

Block: 540479545031102

Block: 540479545032039

Block: 540479545032040

Block: 540479545032063

Block: 540479545045013

Block: 540479545045016

Block: 540479545045023

Block: 540479545045026

Block: 540479545045027

Block: 540479545045034

Block: 540479545045035

Block: 540479545045036

Block: 540479545045037

Block: 540479545045040

Block: 540479545045056

~~Voting district: 6~~

~~Voting district: 60~~

~~The following blocks of voting district 63:~~

~~Block: 540479545011021~~

~~Block: 540479545011022~~

~~Block: 540479545011023~~

~~Block: 540479545011024~~

~~Block: 540479545011025~~

~~Block: 540479545011026~~

~~Block: 540479545011027~~

~~Block: 540479545011028~~

~~Block: 540479545011029~~

~~Block: 540479545011039~~

~~Block: 540479545011047~~

~~Block: 540479545011048~~

~~Block: 540479545011082~~

~~Block: 540479545011083~~

~~Block: 540479545011084~~

~~Block: 540479545011112~~

~~Block: 540479545011113~~

~~Block: 540479545011114~~

Block: 540479545011119

Block: 540479545011134

Block: 540479545011135

Block: 540479545031062

Block: 540479545031065

Block: 540479545031080

Block: 540479545031116

Block: 540479545031129

Block: 540479545032002

Block: 540479545032003

Block: 540479545032004

Block: 540479545032005

Block: 540479545032006

Block: 540479545032007

Block: 540479545032008

Block: 540479545032010

Block: 540479545032012

Block: 540479545032013

Block: 540479545032014

Block: 540479545032015

Block: 540479545032017

Block: 540479545032018

Block: 540479545032019

Block: 540479545032020

Block: 540479545032073

Block: 540479545032074

Block: 540479545032075

Block: 540479545032076

Block: 540479545032078

Block: 540479545032079

Block: 540479545032080

Block: 540479545032081

Block: 540479545032082

Block: 540479545032084

Block: 540479545032085

Block: 540479545032086

Block: 540479545032087

Block: 540479545032088

Block: 540479545032089

Block: 540479545032090

Block: 540479545032091

Block: 540479545032092

Block: 540479545032099

Block: 540479545032100

~~Block: 540479545032103~~

~~Block: 540479545032112~~

~~Block: 540479545032113~~

~~Voting district: 66~~

~~Voting district: 72~~

~~Voting district: 73~~

~~Voting district: 76~~

~~Voting district: 78~~

~~Voting district: 81~~

~~Voting district: 84~~

~~Voting district: 85~~

~~Voting district: 86~~

~~Voting district: 87~~

~~Voting district: 91~~

~~Voting district: 93~~

~~Voting district: 98~~

~~Mercer County~~

~~The following areas of Mingo County:~~

~~Voting district: 1~~

~~Voting district: 22~~

~~Voting district: 23~~

~~Voting district: 26~~

Voting district: 27

The following blocks of voting district 28:

Block: 540599572003043

Block: 540599572003046

Block: 540599572003048

Block: 540599572003049

Block: 540599572003051

Block: 540599572003052

Block: 540599572003054

Block: 540599572003056

Block: 540599572003057

Block: 540599572003058

Block: 540599572003059

Block: 540599572003071

Block: 540599573001004

Block: 540599573001007

Block: 540599573001016

Block: 540599573001075

Block: 540599573001076

Block: 540599573001077

Block: 540599573001078

Block: 540599573001079

Block: 540599573002021

Block: 540599573002023

Block: 540599573002025

Block: 540599573002026

Block: 540599573002027

Block: 540599573002030

Block: 540599573002031

Block: 540599573002034

Block: 540599573002041

Block: 540599573002042

Block: 540599573002043

Block: 540599573002044

Block: 540599573002045

Block: 540599573002046

Block: 540599573002047

Block: 540599573002048

Block: 540599573002055

Block: 540599573002056

Block: 540599573002057

Block: 540599573002058

Block: 540599573002059

~~Voting district: 3~~

The following blocks of voting district 30:

Block: 540599573003000

Block: 540599573003001

Block: 540599573003002

Block: 540599573003003

Block: 540599573003004

Block: 540599573003008

Block: 540599573003009

Block: 540599573003010

Block: 540599573003011

Block: 540599573003012

Block: 540599573003013

Block: 540599573003014

Block: 540599573003015

Block: 540599573003016

Block: 540599573003017

Block: 540599573003018

Block: 540599573003019

Block: 540599573003020

Block: 540599573003021

Block: 540599573003022

Block: 540599573003023

Block: 540599573003024

Block: 540599573003025

Block: 540599573003026

Block: 540599573003027

Block: 540599573003028

Block: 540599573003029

Block: 540599573003030

Block: 540599573003031

Block: 540599573003032

Block: 540599573003033

Block: 540599573003048

Block: 540599573003049

Block: 540599573003050

Block: 540599573003051

Block: 540599575003001

Block: 540599575003002

Block: 540599575003003

Block: 540599575003004

Block: 540599575003005

Block: 540599575003006

Block: 540599575003007

Block: 540599575003024

~~Block: 540599575003025~~

~~Voting district: 41~~

~~Voting district: 43~~

~~Voting district: 44~~

~~The following blocks of voting district 45:~~

~~Block: 540599571001008~~

~~Block: 540599571001009~~

~~Block: 540599571001011~~

~~Block: 540599571001013~~

~~Block: 540599571001014~~

~~Block: 540599571001015~~

~~Block: 540599571001016~~

~~Block: 540599571001020~~

~~Block: 540599571001022~~

~~Block: 540599571001023~~

~~Block: 540599571001024~~

~~Block: 540599571002000~~

~~Block: 540599571002001~~

~~Block: 540599571002002~~

~~Block: 540599571002003~~

~~Block: 540599571002004~~

~~Block: 540599571002005~~

Block: 540599571002006

Block: 540599571002007

Block: 540599571002008

Block: 540599571002009

Block: 540599571002010

Block: 540599571002011

Block: 540599571002012

Block: 540599571002019

Block: 540599571002020

Block: 540599571002021

Block: 540599571002022

The following blocks of voting district 46:

Block: 540599571002028

Block: 540599571002054

Block: 540599571002055

Block: 540599571002056

Block: 540599571002057

Block: 540599572001020

Block: 540599572001021

Block: 540599572001026

Block: 540599572001027

Block: 540599572001036

~~Block: 540599572001037~~

~~Block: 540599572001038~~

~~Block: 540599572001039~~

~~Block: 540599572001040~~

~~Block: 540599572001041~~

~~Block: 540599572001042~~

~~Block: 540599572001043~~

~~Block: 540599572001044~~

~~Block: 540599572001045~~

~~Block: 540599572001046~~

~~Block: 540599572001048~~

~~Block: 540599572001049~~

~~Block: 540599572001051~~

~~Block: 540599572001052~~

~~Block: 540599572001053~~

~~Block: 540599572001080~~

~~Block: 540599572001112~~

~~Voting district: 47~~

~~Voting district: 5~~

~~Voting district: 50~~

~~Voting district: 51~~

~~Voting district: 54~~

~~Voting district: 55~~

~~Voting district: 56~~

~~Voting district: 57~~

~~The following blocks of voting district 59:~~

~~Block: 540599573003039~~

~~Block: 540599573003040~~

~~Block: 540599573003041~~

~~Block: 540599573003042~~

~~Block: 540599573003043~~

~~Block: 540599573003044~~

~~Block: 540599573003045~~

~~Block: 540599573003046~~

~~Block: 540599573003047~~

~~Block: 540599573003052~~

~~Block: 540599575001048~~

~~Block: 540599575001064~~

~~Block: 540599575001065~~

~~Block: 540599575002028~~

~~Block: 540599575002029~~

~~Block: 540599575002038~~

~~Block: 540599575002039~~

~~Block: 540599575002040~~

~~Block: 540599575002041~~

~~Block: 540599575002042~~

~~Block: 540599575002043~~

~~Block: 540599575002094~~

~~Voting district: 6~~

~~Voting district: 7~~

~~Voting district: 72~~

~~Voting district: 73~~

~~Voting district: 74~~

~~Voting district: 9~~

The following areas of Wayne County:

~~Voting district: 1~~

~~Voting district: 18~~

~~Voting district: 3~~

~~Voting district: 30~~

~~Voting district: 31~~

~~Voting district: 34~~

~~Voting district: 36~~

~~Voting district: 37~~

~~Voting district: 38~~

~~Voting district: 5~~

~~Voting district: 6~~

District 6

<u>County: McDowell WV</u>	<u>19111</u>
<u>County: Mercer WV</u>	<u>59664</u>
<u>County: Mingo WV</u>	<u>23568</u>
<u>County: Wayne WV (part)</u>	
<u>Tract: 206 (part)</u>	
<u>BlockGroup: 540990206004</u>	
<u>Block: 540990206004056</u>	<u>0</u>
<u>Block: 540990206004057</u>	<u>15</u>
<u>Block: 540990206004058</u>	<u>11</u>
<u>Block: 540990206004059</u>	<u>6</u>
<u>BlockGroup 540990206004 Subtotal</u>	<u>32</u>
<u>Tract 206 Subtotal</u>	<u>32</u>
<u>Tract: 207 (part)</u>	
<u>BlockGroup: 540990207002</u>	
<u>Block: 540990207002038</u>	<u>49</u>
<u>Block: 540990207002039</u>	<u>25</u>
<u>Block: 540990207002041</u>	<u>39</u>
<u>Block: 540990207002042</u>	<u>28</u>
<u>Block: 540990207002043</u>	<u>17</u>
<u>Block: 540990207002044</u>	<u>16</u>
<u>Block: 540990207002045</u>	<u>32</u>

Block: 540990207002046	17
Block: 540990207002047	6
Block: 540990207002048	11
Block: 540990207002049	16
Block: 540990207002050	10
BlockGroup 540990207002 Subtotal	266
<u>BlockGroup: 540990207003</u>	
Block: 540990207003000	141
Block: 540990207003001	74
Block: 540990207003002	12
Block: 540990207003003	23
Block: 540990207003004	2
Block: 540990207003005	21
Block: 540990207003006	12
Block: 540990207003007	11
Block: 540990207003008	3
Block: 540990207003009	18
Block: 540990207003010	1
Block: 540990207003013	80
Block: 540990207003014	44
Block: 540990207003043	88
Block: 540990207003044	5

<u>BlockGroup 540990207003 Subtotal</u>	<u>535</u>
<u>Tract 207 Subtotal</u>	<u>801</u>
<u>Tract: 208</u>	<u>4150</u>
<u>Tract: 209 (part)</u>	
<u>BlockGroup: 540990209003</u>	
<u>Block: 540990209003000</u>	<u>0</u>
<u>Block: 540990209003004</u>	<u>27</u>
<u>Block: 540990209003005</u>	<u>7</u>
<u>Block: 540990209003006</u>	<u>58</u>
<u>Block: 540990209003007</u>	<u>8</u>
<u>Block: 540990209003008</u>	<u>101</u>
<u>Block: 540990209003009</u>	<u>6</u>
<u>Block: 540990209003010</u>	<u>4</u>
<u>Block: 540990209003011</u>	<u>4</u>
<u>Block: 540990209003012</u>	<u>9</u>
<u>Block: 540990209003013</u>	<u>0</u>
<u>Block: 540990209003014</u>	<u>0</u>
<u>Block: 540990209003015</u>	<u>138</u>
<u>Block: 540990209003016</u>	<u>0</u>
<u>Block: 540990209003017</u>	<u>17</u>
<u>Block: 540990209003018</u>	<u>0</u>
<u>Block: 540990209003019</u>	<u>103</u>

<u>Block: 540990209003020</u>	<u>0</u>
<u>Block: 540990209003021</u>	<u>10</u>
<u>Block: 540990209003022</u>	<u>3</u>
<u>Block: 540990209003023</u>	<u>0</u>
<u>Block: 540990209003024</u>	<u>26</u>
<u>Block: 540990209003025</u>	<u>9</u>
<u>Block: 540990209003026</u>	<u>125</u>
<u>Block: 540990209003027</u>	<u>11</u>
<u>Block: 540990209003028</u>	<u>1</u>
<u>Block: 540990209003029</u>	<u>8</u>
<u>Block: 540990209003030</u>	<u>22</u>
<u>Block: 540990209003031</u>	<u>0</u>
<u>Block: 540990209003032</u>	<u>10</u>
<u>Block: 540990209003033</u>	<u>13</u>
<u>Block: 540990209003034</u>	<u>13</u>
<u>Block: 540990209003035</u>	<u>47</u>
<u>Block: 540990209003036</u>	<u>0</u>
<u>Block: 540990209003037</u>	<u>18</u>
<u>Block: 540990209003038</u>	<u>50</u>
<u>Block: 540990209003039</u>	<u>5</u>
<u>Block: 540990209003040</u>	<u>0</u>
<u>Block: 540990209003041</u>	<u>64</u>

<u>Block: 540990209003042</u>	<u>4</u>
<u>Block: 540990209003043</u>	<u>7</u>
<u>Block: 540990209003044</u>	<u>13</u>
<u>Block: 540990209003045</u>	<u>18</u>
<u>BlockGroup 540990209003 Subtotal</u>	<u>959</u>
<u>Tract 209 Subtotal</u>	<u>959</u>
<u>Tract: 210 (part)</u>	
<u>BlockGroup: 540990210002</u>	<u>968</u>
<u>BlockGroup: 540990210003</u>	<u>1443</u>
<u>Tract 210 Subtotal</u>	<u>2411</u>
<u>County Wayne WV Subtotal</u>	<u>8353</u>
<u>District 6 Total</u>	<u>110696</u>

(7) The seventh senatorial district consists of the following counties, tracts, block groups, and blocks, together with their respective populations from the 2020 federal decennial census:

~~Boone County~~

~~Lincoln County~~

~~Logan County~~

~~The following areas of Mingo County:~~

~~The following blocks of voting district 28:~~

~~Block: 540599572003017~~

~~Block: 540599572003018~~

~~Block: 540599572003019~~

Block: 540599572003020

Block: 540599572003021

Block: 540599572003042

Block: 540599572003044

Block: 540599572003045

Block: 540599572003047

Block: 540599572003050

Block: 540599572003053

Block: 540599573002000

Block: 540599573002001

Block: 540599573002002

Block: 540599573002010

Block: 540599573002011

Block: 540599573002012

Block: 540599573002013

Block: 540599573002014

Block: 540599573002015

Block: 540599573002016

Block: 540599573002017

Block: 540599573002018

Block: 540599573002019

Block: 540599573002020

Block: 540599573002022

Block: 540599573002028

Block: 540599573002029

Block: 540599573002032

Block: 540599573002033

Block: 540599573002035

Block: 540599573002036

Block: 540599573002037

Block: 540599573002038

The following blocks of voting district 30:

Block: 540599573002003

Block: 540599573002004

Block: 540599573002005

Block: 540599573002006

Block: 540599573002007

Block: 540599573002008

Block: 540599573002009

Block: 540599573002039

Block: 540599573002049

Block: 540599573003005

Block: 540599573003006

Block: 540599573003007

Block: 540599575001000

Block: 540599575001001

Block: 540599575001002

Block: 540599575001003

Block: 540599575001004

Block: 540599575001005

Block: 540599575001006

Block: 540599575001007

Block: 540599575001008

Block: 540599575001009

Block: 540599575001010

Block: 540599575001011

Block: 540599575001013

Block: 540599575001014

Block: 540599575001015

Block: 540599575001017

Block: 540599575001025

Block: 540599575001067

Block: 540599575001068

The following blocks of voting district 45:

Block: 540599571001000

Block: 540599571001001

Block: 540599571001002

Block: 540599571001003

Block: 540599571001004

Block: 540599571001005

Block: 540599571001006

Block: 540599571001007

Block: 540599571001010

Block: 540599571001012

Block: 540599571001017

Block: 540599571001018

Block: 540599571001019

Block: 540599571001021

Block: 540599571001025

Block: 540599571001026

Block: 540599571001027

Block: 540599571001028

Block: 540599571001029

Block: 540599571001030

Block: 540599571001031

Block: 540599571001032

Block: 540599571001033

Block: 540599571001035

Block: 540599571001037

Block: 540599571001038

Block: 540599571001054

The following blocks of voting district 46:

Block: 540599571001034

Block: 540599571001036

Block: 540599571001039

Block: 540599571001040

Block: 540599571001041

Block: 540599571001042

Block: 540599571001043

Block: 540599571001044

Block: 540599571001045

Block: 540599571001046

Block: 540599571001047

Block: 540599571001048

Block: 540599571001049

Block: 540599571001050

Block: 540599571001051

Block: 540599571001052

Block: 540599571001053

Block: 540599571001055

Block: 540599571001056

Block: 540599571002023

Block: 540599571002024

Block: 540599571002025

Block: 540599571002026

Block: 540599571002027

Block: 540599571002029

Block: 540599571002030

Block: 540599571002031

Block: 540599571002032

Block: 540599572001000

Block: 540599572001001

Block: 540599572001002

Block: 540599572001003

Block: 540599572001004

Block: 540599572001005

Block: 540599572001006

Block: 540599572001007

Block: 540599572001008

Block: 540599572001009

Block: 540599572001010

Block: 540599572001011

Block: 540599572001012

Block: 540599572001013

Block: 540599572001014

Block: 540599572001015

Block: 540599572001016

Block: 540599572001017

Block: 540599572001018

Block: 540599572001019

Block: 540599572001022

Block: 540599572001023

Block: 540599572001024

Block: 540599572001025

Block: 540599572001028

Block: 540599572001029

Block: 540599572001030

Block: 540599572001031

Block: 540599572001032

Block: 540599572001033

Block: 540599572001034

Block: 540599572001054

Block: 540599572001057

Block: 540599572001064

~~Block: 540599572001068~~

~~Block: 540599572001075~~

~~Block: 540599572001107~~

~~Voting district: 48~~

~~The following blocks of voting district 59:~~

~~Block: 540599575001012~~

~~Block: 540599575001016~~

~~Block: 540599575001018~~

~~Block: 540599575001036~~

~~Block: 540599575001053~~

~~Block: 540599575001058~~

~~Block: 540599575001063~~

~~Voting district: 75~~

~~Voting district: 76~~

~~Voting district: 77~~

~~The following areas of Wayne County:~~

~~Voting district: 19~~

~~Voting district: 22~~

~~Voting district: 41~~

~~Voting district: 42~~

~~Voting district: 45~~

~~Voting district: 48~~

~~Voting district: 49~~~~Voting district: 50~~~~Voting district: 51~~~~Voting district: 52~~~~Voting district: 53~~~~Voting district: 54~~District 7County: Boone WV 21809County: Kanawha WV (part)Tract: 118 (part)BlockGroup: 540390118005Block: 540390118005094 2Block: 540390118005098 0BlockGroup 540390118005 Subtotal 2Tract 118 Subtotal 2Tract: 121 3861Tract: 122 4352Tract: 123.01 (part)BlockGroup: 540390123011Block: 540390123011011 171Block: 540390123011012 7Block: 540390123011013 31

<u>Block: 540390123011014</u>	<u>24</u>
<u>Block: 540390123011015</u>	<u>9</u>
<u>Block: 540390123011016</u>	<u>13</u>
<u>Block: 540390123011017</u>	<u>0</u>
<u>Block: 540390123011019</u>	<u>40</u>
<u>Block: 540390123011020</u>	<u>1</u>
<u>Block: 540390123011022</u>	<u>5</u>
<u>Block: 540390123011023</u>	<u>28</u>
<u>Block: 540390123011024</u>	<u>10</u>
<u>Block: 540390123011025</u>	<u>16</u>
<u>Block: 540390123011026</u>	<u>109</u>
<u>Block: 540390123011027</u>	<u>45</u>
<u>Block: 540390123011028</u>	<u>0</u>
<u>Block: 540390123011029</u>	<u>40</u>
<u>Block: 540390123011030</u>	<u>5</u>
<u>Block: 540390123011031</u>	<u>21</u>
<u>Block: 540390123011032</u>	<u>47</u>
<u>Block: 540390123011033</u>	<u>0</u>
<u>Block: 540390123011034</u>	<u>88</u>
<u>Block: 540390123011035</u>	<u>4</u>
<u>Block: 540390123011036</u>	<u>7</u>
<u>Block: 540390123011037</u>	<u>13</u>

<u>Block: 540390123011038</u>	<u>6</u>
<u>Block: 540390123011039</u>	<u>11</u>
<u>Block: 540390123011040</u>	<u>0</u>
<u>Block: 540390123011041</u>	<u>7</u>
<u>Block: 540390123011042</u>	<u>4</u>
<u>Block: 540390123011043</u>	<u>0</u>
<u>Block: 540390123011044</u>	<u>0</u>
<u>Block: 540390123011045</u>	<u>0</u>
<u>Block: 540390123011046</u>	<u>1</u>
<u>Block: 540390123011047</u>	<u>5</u>
<u>Block: 540390123011048</u>	<u>5</u>
<u>Block: 540390123011049</u>	<u>3</u>
<u>Block: 540390123011050</u>	<u>0</u>
<u>Block: 540390123011051</u>	<u>4</u>
<u>Block: 540390123011052</u>	<u>144</u>
<u>Block: 540390123011053</u>	<u>131</u>
<u>Block: 540390123011054</u>	<u>28</u>
<u>Block: 540390123011055</u>	<u>60</u>
<u>Block: 540390123011056</u>	<u>21</u>
<u>Block: 540390123011057</u>	<u>9</u>
<u>Block: 540390123011058</u>	<u>2</u>
<u>Block: 540390123011059</u>	<u>20</u>

<u>Block: 540390123011060</u>	<u>220</u>
<u>Block: 540390123011061</u>	<u>19</u>
<u>Block: 540390123011062</u>	<u>6</u>
<u>Block: 540390123011063</u>	<u>80</u>
<u>Block: 540390123011064</u>	<u>22</u>
<u>Block: 540390123011065</u>	<u>14</u>
<u>Block: 540390123011066</u>	<u>5</u>
<u>Block: 540390123011067</u>	<u>0</u>
<u>Block: 540390123011068</u>	<u>4</u>
<u>Block: 540390123011069</u>	<u>0</u>
<u>Block: 540390123011070</u>	<u>0</u>
<u>Block: 540390123011071</u>	<u>0</u>
<u>Block: 540390123011072</u>	<u>4</u>
<u>Block: 540390123011073</u>	<u>47</u>
<u>Block: 540390123011074</u>	<u>26</u>
<u>Block: 540390123011075</u>	<u>1</u>
<u>Block: 540390123011076</u>	<u>0</u>
<u>Block: 540390123011077</u>	<u>8</u>
<u>Block: 540390123011078</u>	<u>0</u>
<u>BlockGroup 540390123011 Subtotal</u>	<u>1651</u>
<u>BlockGroup: 540390123012</u>	
<u>Block: 540390123012030</u>	<u>33</u>

Block: 540390123012031	7
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BlockGroup 540390123012 Subtotal	40
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BlockGroup: 540390123013	
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Block: 540390123013001	16
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Block: 540390123013002	26
------------------------	----

Block: 540390123013003	8
------------------------	---

Block: 540390123013004	99
------------------------	----

Block: 540390123013005	0
------------------------	---

Block: 540390123013007	0
------------------------	---

Block: 540390123013008	0
------------------------	---

Block: 540390123013009	41
------------------------	----

Block: 540390123013010	12
------------------------	----

Block: 540390123013011	0
------------------------	---

Block: 540390123013012	4
------------------------	---

Block: 540390123013018	9
------------------------	---

Block: 540390123013019	11
------------------------	----

Block: 540390123013020	59
------------------------	----

Block: 540390123013021	14
------------------------	----

Block: 540390123013022	12
------------------------	----

Block: 540390123013023	6
------------------------	---

Block: 540390123013024	57
------------------------	----

Block: 540390123013025	19
------------------------	----

<u>Block: 540390123013026</u>	<u>8</u>
<u>Block: 540390123013027</u>	<u>12</u>
<u>Block: 540390123013028</u>	<u>0</u>
<u>Block: 540390123013029</u>	<u>0</u>
<u>Block: 540390123013030</u>	<u>6</u>
<u>Block: 540390123013031</u>	<u>32</u>
<u>Block: 540390123013032</u>	<u>9</u>
<u>Block: 540390123013033</u>	<u>15</u>
<u>Block: 540390123013034</u>	<u>27</u>
<u>Block: 540390123013035</u>	<u>2</u>
<u>Block: 540390123013036</u>	<u>8</u>
<u>Block: 540390123013037</u>	<u>0</u>
<u>Block: 540390123013038</u>	<u>0</u>
<u>Block: 540390123013039</u>	<u>11</u>
<u>Block: 540390123013040</u>	<u>4</u>
<u>Block: 540390123013041</u>	<u>0</u>
<u>Block: 540390123013042</u>	<u>99</u>
<u>Block: 540390123013043</u>	<u>0</u>
<u>Block: 540390123013044</u>	<u>23</u>
<u>Block: 540390123013045</u>	<u>5</u>
<u>Block: 540390123013046</u>	<u>67</u>
<u>Block: 540390123013047</u>	<u>4</u>

<u>Block: 540390123013048</u>	<u>7</u>
<u>Block: 540390123013049</u>	<u>15</u>
<u>Block: 540390123013050</u>	<u>2</u>
<u>Block: 540390123013051</u>	<u>13</u>
<u>Block: 540390123013052</u>	<u>0</u>
<u>Block: 540390123013053</u>	<u>6</u>
<u>Block: 540390123013054</u>	<u>3</u>
<u>Block: 540390123013055</u>	<u>36</u>
<u>Block: 540390123013056</u>	<u>41</u>
<u>Block: 540390123013057</u>	<u>0</u>
<u>Block: 540390123013058</u>	<u>5</u>
<u>Block: 540390123013059</u>	<u>0</u>
<u>Block: 540390123013060</u>	<u>6</u>
<u>Block: 540390123013061</u>	<u>4</u>
<u>Block: 540390123013062</u>	<u>0</u>
<u>Block: 540390123013063</u>	<u>0</u>
<u>Block: 540390123013064</u>	<u>0</u>
<u>Block: 540390123013065</u>	<u>0</u>
<u>Block: 540390123013066</u>	<u>0</u>
<u>Block: 540390123013067</u>	<u>0</u>
<u>Block: 540390123013068</u>	<u>0</u>
<u>Block: 540390123013069</u>	<u>6</u>

<u>Block: 540390123013070</u>	<u>6</u>
<u>Block: 540390123013071</u>	<u>219</u>
<u>Block: 540390123013072</u>	<u>23</u>
<u>Block: 540390123013073</u>	<u>5</u>
<u>Block: 540390123013074</u>	<u>0</u>
<u>Block: 540390123013075</u>	<u>24</u>
<u>Block: 540390123013076</u>	<u>41</u>
<u>Block: 540390123013077</u>	<u>0</u>
<u>Block: 540390123013078</u>	<u>6</u>
<u>Block: 540390123013079</u>	<u>8</u>
<u>Block: 540390123013080</u>	<u>0</u>
<u>Block: 540390123013081</u>	<u>12</u>
<u>Block: 540390123013082</u>	<u>0</u>
<u>Block: 540390123013083</u>	<u>6</u>
<u>Block: 540390123013084</u>	<u>0</u>
<u>Block: 540390123013085</u>	<u>0</u>
<u>Block: 540390123013086</u>	<u>0</u>
<u>Block: 540390123013087</u>	<u>0</u>
<u>Block: 540390123013088</u>	<u>0</u>
<u>Block: 540390123013089</u>	<u>3</u>
<u>Block: 540390123013090</u>	<u>0</u>
<u>Block: 540390123013091</u>	<u>0</u>

Block: 540390123013092	0
Block: 540390123013093	0
Block: 540390123013094	0
Block: 540390123013095	0
Block: 540390123013096	0
Block: 540390123013097	0
Block: 540390123013098	0
Block: 540390123013099	0
Block: 540390123013100	0
Block: 540390123013101	0
Block: 540390123013102	0
Block: 540390123013103	0
Block: 540390123013104	0
Block: 540390123013105	6
BlockGroup 540390123013 Subtotal	1228
Tract 123.01 Subtotal	2919
Tract: 123.02 (part)	
BlockGroup: 540390123021	
Block: 540390123021002	57
Block: 540390123021003	17
Block: 540390123021004	4
Block: 540390123021005	17

<u>Block: 540390123021006</u>	<u>91</u>
<u>Block: 540390123021007</u>	<u>18</u>
<u>Block: 540390123021008</u>	<u>7</u>
<u>Block: 540390123021009</u>	<u>0</u>
<u>Block: 540390123021010</u>	<u>0</u>
<u>Block: 540390123021011</u>	<u>0</u>
<u>Block: 540390123021012</u>	<u>26</u>
<u>Block: 540390123021015</u>	<u>46</u>
<u>Block: 540390123021016</u>	<u>13</u>
<u>Block: 540390123021017</u>	<u>27</u>
<u>Block: 540390123021018</u>	<u>28</u>
<u>Block: 540390123021019</u>	<u>0</u>
<u>Block: 540390123021020</u>	<u>0</u>
<u>Block: 540390123021021</u>	<u>2</u>
<u>Block: 540390123021022</u>	<u>0</u>
<u>Block: 540390123021023</u>	<u>10</u>
<u>Block: 540390123021024</u>	<u>0</u>
<u>Block: 540390123021025</u>	<u>0</u>
<u>Block: 540390123021026</u>	<u>0</u>
<u>Block: 540390123021027</u>	<u>59</u>
<u>Block: 540390123021028</u>	<u>0</u>
<u>Block: 540390123021029</u>	<u>31</u>

<u>Block: 540390123021030</u>	<u>0</u>
<u>Block: 540390123021031</u>	<u>9</u>
<u>Block: 540390123021032</u>	<u>165</u>
<u>Block: 540390123021033</u>	<u>0</u>
<u>Block: 540390123021034</u>	<u>10</u>
<u>Block: 540390123021035</u>	<u>0</u>
<u>Block: 540390123021036</u>	<u>197</u>
<u>Block: 540390123021037</u>	<u>10</u>
<u>Block: 540390123021038</u>	<u>0</u>
<u>Block: 540390123021039</u>	<u>0</u>
<u>Block: 540390123021040</u>	<u>0</u>
<u>Block: 540390123021041</u>	<u>0</u>
<u>Block: 540390123021042</u>	<u>0</u>
<u>Block: 540390123021043</u>	<u>5</u>
<u>Block: 540390123021044</u>	<u>0</u>
<u>Block: 540390123021045</u>	<u>10</u>
<u>Block: 540390123021046</u>	<u>0</u>
<u>Block: 540390123021047</u>	<u>0</u>
<u>Block: 540390123021048</u>	<u>0</u>
<u>Block: 540390123021049</u>	<u>0</u>
<u>Block: 540390123021050</u>	<u>0</u>
<u>Block: 540390123021051</u>	<u>12</u>

<u>Block: 540390123021052</u>	<u>13</u>
<u>Block: 540390123021053</u>	<u>19</u>
<u>Block: 540390123021054</u>	<u>0</u>
<u>Block: 540390123021055</u>	<u>0</u>
<u>Block: 540390123021056</u>	<u>8</u>
<u>Block: 540390123021057</u>	<u>8</u>
<u>Block: 540390123021058</u>	<u>8</u>
<u>Block: 540390123021059</u>	<u>8</u>
<u>Block: 540390123021060</u>	<u>16</u>
<u>Block: 540390123021061</u>	<u>0</u>
<u>Block: 540390123021062</u>	<u>3</u>
<u>Block: 540390123021063</u>	<u>0</u>
<u>Block: 540390123021064</u>	<u>0</u>
<u>Block: 540390123021065</u>	<u>0</u>
<u>Block: 540390123021066</u>	<u>0</u>
<u>Block: 540390123021067</u>	<u>0</u>
<u>Block: 540390123021068</u>	<u>0</u>
<u>Block: 540390123021069</u>	<u>0</u>
<u>Block: 540390123021070</u>	<u>0</u>
<u>Block: 540390123021071</u>	<u>89</u>
<u>Block: 540390123021072</u>	<u>37</u>
<u>Block: 540390123021073</u>	<u>9</u>

Block: 540390123021074	115
Block: 540390123021075	29
Block: 540390123021076	0
Block: 540390123021077	15
Block: 540390123021078	12
Block: 540390123021079	0
Block: 540390123021080	7
Block: 540390123021081	0
Block: 540390123021082	0
BlockGroup 540390123021 Subtotal	1267
BlockGroup: 540390123022	
Block: 540390123022004	7
Block: 540390123022005	36
Block: 540390123022006	16
Block: 540390123022007	0
Block: 540390123022008	363
Block: 540390123022009	39
Block: 540390123022010	17
Block: 540390123022011	22
Block: 540390123022012	28
Block: 540390123022013	7
Block: 540390123022014	27

<u>Block: 540390123022015</u>	<u>16</u>
<u>Block: 540390123022016</u>	<u>23</u>
<u>Block: 540390123022017</u>	<u>10</u>
<u>Block: 540390123022018</u>	<u>29</u>
<u>Block: 540390123022019</u>	<u>12</u>
<u>Block: 540390123022020</u>	<u>0</u>
<u>Block: 540390123022021</u>	<u>73</u>
<u>Block: 540390123022022</u>	<u>21</u>
<u>Block: 540390123022023</u>	<u>12</u>
<u>Block: 540390123022024</u>	<u>27</u>
<u>Block: 540390123022025</u>	<u>20</u>
<u>Block: 540390123022026</u>	<u>0</u>
<u>Block: 540390123022027</u>	<u>29</u>
<u>Block: 540390123022028</u>	<u>34</u>
<u>BlockGroup 540390123022 Subtotal</u>	<u>868</u>
<u>Tract 123.02 Subtotal</u>	<u>2135</u>
<u>Tract: 132 (part)</u>	
<u>BlockGroup: 540390132004</u>	
<u>Block: 540390132004000</u>	<u>22</u>
<u>Block: 540390132004001</u>	<u>13</u>
<u>Block: 540390132004002</u>	<u>6</u>
<u>Block: 540390132004003</u>	<u>187</u>

<u>Block: 540390132004004</u>	<u>2</u>	
<u>Block: 540390132004005</u>	<u>9</u>	
<u>Block: 540390132004006</u>	<u>11</u>	
<u>Block: 540390132004007</u>	<u>90</u>	
<u>Block: 540390132004008</u>	<u>9</u>	
<u>Block: 540390132004009</u>	<u>36</u>	
<u>Block: 540390132004010</u>	<u>32</u>	
<u>Block: 540390132004011</u>	<u>4</u>	
<u>Block: 540390132004012</u>	<u>11</u>	
<u>Block: 540390132004013</u>	<u>11</u>	
<u>Block: 540390132004014</u>	<u>0</u>	
<u>Block: 540390132004015</u>	<u>0</u>	
<u>Block: 540390132004016</u>	<u>0</u>	
<u>Block: 540390132004017</u>	<u>0</u>	
<u>Block: 540390132004018</u>	<u>7</u>	
<u>Block: 540390132004019</u>	<u>119</u>	
<u>Block: 540390132004021</u>	<u>12</u>	
<u>Block: 540390132004023</u>	<u>18</u>	
<u>Block: 540390132004024</u>	<u>6</u>	
<u>BlockGroup 540390132004 Subtotal</u>		<u>605</u>
<u>Tract 132 Subtotal</u>	<u>605</u>	
<u>Tract: 136 (part)</u>		

<u>BlockGroup: 540390136002</u>	
<u>Block: 540390136002001</u>	<u>610</u>
<u>Block: 540390136002002</u>	<u>5</u>
<u>Block: 540390136002003</u>	<u>40</u>
<u>Block: 540390136002004</u>	<u>33</u>
<u>Block: 540390136002005</u>	<u>17</u>
<u>Block: 540390136002006</u>	<u>0</u>
<u>Block: 540390136002007</u>	<u>48</u>
<u>Block: 540390136002009</u>	<u>14</u>
<u>Block: 540390136002010</u>	<u>38</u>
<u>Block: 540390136002011</u>	<u>3</u>
<u>Block: 540390136002012</u>	<u>179</u>
<u>Block: 540390136002013</u>	<u>10</u>
<u>Block: 540390136002014</u>	<u>15</u>
<u>Block: 540390136002015</u>	<u>37</u>
<u>Block: 540390136002016</u>	<u>108</u>
<u>Block: 540390136002017</u>	<u>86</u>
<u>Block: 540390136002018</u>	<u>0</u>
<u>Block: 540390136002019</u>	<u>120</u>
<u>Block: 540390136002020</u>	<u>6</u>
<u>Block: 540390136002021</u>	<u>13</u>
<u>Block: 540390136002022</u>	<u>14</u>

Block: 540390136002023	64
Block: 540390136002024	12
Block: 540390136002025	160
Block: 540390136002026	46
Block: 540390136002027	77
Block: 540390136002028	23
Block: 540390136002029	83
Block: 540390136002030	0
Block: 540390136002031	0
Block: 540390136002032	0
Block: 540390136002033	26
Block: 540390136002034	4
Block: 540390136002035	0
Block: 540390136002036	0
Block: 540390136002037	23
Block: 540390136002038	49
BlockGroup 540390136002 Subtotal	1963
BlockGroup: 540390136004	
Block: 540390136004008	0
BlockGroup 540390136004 Subtotal	0
Tract 136 Subtotal	1963
Tract: 137.01	2108

<u>Tract: 137.02</u>	<u>5306</u>
<u>Tract: 138</u>	<u>2251</u>
<u>County Kanawha WV Subtotal</u>	<u>25502</u>
<u>County: Lincoln WV</u>	<u>20463</u>
<u>County: Logan WV</u>	<u>32567</u>
<u>District 7 Total</u>	<u>100341</u>

(8) The eighth senatorial district consists of the following counties, tracts, block groups, and blocks, together with their respective populations from the 2020 federal decennial census:

~~The following areas of Kanawha County:~~

~~Voting district: 115~~

~~Voting district: 116~~

~~Voting district: 123~~

~~The following blocks of voting district 160:~~

~~Block: 540390114013043~~

~~Block: 540390114013045~~

~~Block: 540390114013047~~

~~Block: 540390114013048~~

~~Block: 540390114013049~~

~~The following blocks of voting district 163:~~

~~Block: 540390114013052~~

~~Block: 540390114013053~~

~~Block: 540390114013054~~

~~Block: 540390114013055~~

~~Block: 540390114013056~~

~~Block: 540390114013058~~

~~Block: 540390114013071~~

~~Block: 540390115002007~~

~~Block: 540390115002008~~

~~Block: 540390115002009~~

~~Voting district: 166~~

~~Voting district: 167~~

~~Voting district: 168~~

~~Voting district: 169~~

~~Voting district: 170~~

~~Voting district: 172~~

~~Voting district: 174~~

~~Voting district: 175~~

~~Voting district: 177~~

~~Voting district: 178~~

~~Voting district: 179~~

~~Voting district: 289~~

~~Voting district: 290~~

~~Voting district: 291~~

~~Voting district: 292~~

~~Voting district: 293~~

~~Voting district: 294~~

~~Voting district: 295~~

~~Voting district: 296~~

~~Voting district: 297~~

~~Voting district: 298~~

~~Voting district: 349~~

~~Voting district: 350~~

~~Voting district: 351~~

~~Voting district: 352~~

~~Voting district: 353~~

~~Voting district: 354~~

~~Voting district: 355~~

~~Voting district: 357~~

~~Voting district: 358~~

~~Voting district: 359~~

~~Voting district: 360~~

~~Voting district: 361~~

~~Voting district: 362~~

~~Voting district: 364~~

~~Voting district: 365~~

~~Voting district: 366~~

~~Voting district: 368~~

~~Voting district: 370~~

~~Voting district: 371~~

~~Voting district: 373~~

~~Voting district: 374~~

~~Voting district: 401~~

~~Voting district: 402~~

~~Voting district: 403~~

~~Voting district: 404~~

~~Voting district: 406~~

~~Voting district: 407~~

~~Voting district: 408~~

~~Voting district: 410~~

~~Voting district: 411~~

~~Voting district: 412~~

~~Voting district: 413~~

~~Voting district: 414~~

~~Voting district: 415~~

~~Voting district: 416~~

~~Voting district: 417~~

~~The following blocks of voting district 418:~~

~~Block: 540390112002000~~

Block: 540390112002001

Block: 540390112002002

Block: 540390112002003

Block: 540390112002004

Block: 540390112002005

Block: 540390112002006

Block: 540390112002081

Block: 540390112002082

Block: 540390112002084

Block: 540390112002087

Block: 540390112002088

Block: 540390112002089

Block: 540390112002234

Block: 540390112002235

Block: 540390112002236

Block: 540390112002237

Block: 540390112002241

Block: 540390112002242

Block: 540390112003000

Block: 540390112003001

Block: 540390112003002

Block: 540390112003003

Block: 540390112003004

Block: 540390112003005

Block: 540390112003006

Block: 540390112003007

Block: 540390112003008

Block: 540390112003009

Block: 540390112003010

Block: 540390112003011

Block: 540390112003012

Block: 540390112003013

Block: 540390112003014

Block: 540390112003015

Block: 540390112003016

Block: 540390112003017

Block: 540390112003018

Block: 540390112003019

Block: 540390112003020

Block: 540390112003021

Block: 540390112003022

Block: 540390112003023

Block: 540390112003024

Block: 540390112003025

Block: 540390112003026

Block: 540390112003027

Block: 540390112003028

Block: 540390112003029

Block: 540390112003030

Block: 540390112003031

Block: 540390112003032

Block: 540390112003033

Block: 540390112003034

Block: 540390112003054

Block: 540390112003064

Block: 540390112003065

Block: 540390112003066

Block: 540390112003067

Block: 540390112003068

Block: 540390112003069

Block: 540390112003070

Block: 540390112003071

Block: 540390112003072

Block: 540390112003073

Block: 540390112003074

Block: 540390112003075

Block: 540390112003076

Block: 540390112003077

Block: 540390112003078

Block: 540390112003079

Block: 540390112003080

Block: 540390112003081

Block: 540390112003082

Block: 540390112003083

Block: 540390112003084

Block: 540390112003085

Block: 540390112003086

Block: 540390112003087

Block: 540390112003088

Block: 540390112003089

Block: 540390112003090

Block: 540390112003091

Block: 540390112003092

Block: 540390112003093

Block: 540390112003094

Block: 540390112003095

Block: 540390112003096

Block: 540390112003097

~~Block: 540390112003098~~

~~Block: 540390112003099~~

~~Block: 540390112003100~~

~~Block: 540390112003101~~

~~Block: 540390112003104~~

~~Block: 540390112003105~~

~~Block: 540390112003106~~

~~Block: 540390112003107~~

~~Block: 540390112003108~~

~~Block: 540390112003109~~

~~Block: 540390112003110~~

~~Block: 540390112003111~~

~~Block: 540390112003112~~

~~Block: 540390112003113~~

~~Block: 540390112003114~~

~~Voting district: 419~~

~~Voting district: 420~~

~~Voting district: 421~~

~~Voting district: 422~~

~~Voting district: 423~~

~~Voting district: 424~~

~~Voting district: 425~~

~~Voting district: 426~~

~~Voting district: 427~~

~~Voting district: 428~~

~~Voting district: 429~~

~~Voting district: 431~~

~~Voting district: 432~~

~~Voting district: 433~~

~~Voting district: 434~~

~~Voting district: 435~~

~~The following areas of Putnam County:~~

~~Voting district: 1~~

~~Voting district: 15~~

~~Voting district: 16~~

~~Voting district: 17~~

~~Voting district: 18~~

~~Voting district: 19~~

~~Voting district: 2~~

~~Voting district: 21~~

~~Voting district: 22~~

~~Voting district: 23~~

~~Voting district: 34~~

~~Voting district: 35~~

~~Voting district: 36~~~~Voting district: 37~~~~Voting district: 38~~~~Voting district: 4~~~~Voting district: 40~~District 8County: Clay WV 8051County: Jackson WV (part)Tract: 9632 (part)BlockGroup: 540359632002Block: 540359632002000 35Block: 540359632002028 52Block: 540359632002029 65Block: 540359632002030 6Block: 540359632002031 9Block: 540359632002032 37Block: 540359632002033 3Block: 540359632002034 12Block: 540359632002035 0Block: 540359632002036 21Block: 540359632002037 34Block: 540359632002038 0

<u>Block: 540359632002039</u>	<u>0</u>
<u>Block: 540359632002040</u>	<u>11</u>
<u>Block: 540359632002041</u>	<u>21</u>
<u>Block: 540359632002042</u>	<u>0</u>
<u>Block: 540359632002043</u>	<u>21</u>
<u>Block: 540359632002044</u>	<u>7</u>
<u>Block: 540359632002045</u>	<u>16</u>
<u>Block: 540359632002046</u>	<u>34</u>
<u>Block: 540359632002049</u>	<u>0</u>
<u>Block: 540359632002050</u>	<u>0</u>
<u>Block: 540359632002051</u>	<u>0</u>
<u>Block: 540359632002052</u>	<u>3</u>
<u>Block: 540359632002053</u>	<u>8</u>
<u>Block: 540359632002054</u>	<u>0</u>
<u>Block: 540359632002055</u>	<u>11</u>
<u>Block: 540359632002056</u>	<u>0</u>
<u>Block: 540359632002057</u>	<u>0</u>
<u>Block: 540359632002058</u>	<u>30</u>
<u>Block: 540359632002059</u>	<u>0</u>
<u>Block: 540359632002060</u>	<u>0</u>
<u>Block: 540359632002061</u>	<u>0</u>
<u>Block: 540359632002062</u>	<u>6</u>

Block: 540359632002063	0
Block: 540359632002064	0
Block: 540359632002065	0
Block: 540359632002066	0
Block: 540359632002067	0
Block: 540359632002068	4
Block: 540359632002069	0
Block: 540359632002070	0
Block: 540359632002083	0
Block: 540359632002084	0
Block: 540359632002085	8
Block: 540359632002086	0
BlockGroup 540359632002 Subtotal	454
Tract 9632 Subtotal	454
Tract: 9637.01	3555
Tract: 9637.02	4230
County Jackson WV Subtotal	8239
County: Kanawha WV (part)	
Tract: 1	1303
Tract: 101	3822
Tract: 102	2126
Tract: 103	2217

<u>Tract: 104</u>	<u>1509</u>
<u>Tract: 105</u>	<u>5163</u>
<u>Tract: 106.01</u>	<u>2864</u>
<u>Tract: 106.02</u>	<u>2416</u>
<u>Tract: 107.01</u>	<u>5031</u>
<u>Tract: 107.02 (part)</u>	
<u>BlockGroup: 540390107021</u>	<u>1404</u>
<u>BlockGroup: 540390107022</u>	
<u>Block: 540390107022005</u>	<u>538</u>
<u>Block: 540390107022006</u>	<u>6</u>
<u>Block: 540390107022009</u>	<u>179</u>
<u>Block: 540390107022010</u>	<u>217</u>
<u>Block: 540390107022011</u>	<u>16</u>
<u>BlockGroup 540390107022 Subtotal</u>	<u>956</u>
<u>Tract 107.02 Subtotal</u>	<u>2360</u>
<u>Tract: 108.04 (part)</u>	
<u>BlockGroup: 540390108041</u>	
<u>Block: 540390108041000</u>	<u>5</u>
<u>Block: 540390108041001</u>	<u>18</u>
<u>Block: 540390108041002</u>	<u>0</u>
<u>Block: 540390108041003</u>	<u>10</u>
<u>Block: 540390108041004</u>	<u>10</u>

<u>Block: 540390108041005</u>	<u>5</u>
<u>Block: 540390108041006</u>	<u>4</u>
<u>Block: 540390108041007</u>	<u>1</u>
<u>Block: 540390108041008</u>	<u>23</u>
<u>Block: 540390108041009</u>	<u>16</u>
<u>Block: 540390108041010</u>	<u>20</u>
<u>Block: 540390108041011</u>	<u>4</u>
<u>Block: 540390108041012</u>	<u>21</u>
<u>Block: 540390108041013</u>	<u>24</u>
<u>Block: 540390108041014</u>	<u>5</u>
<u>Block: 540390108041015</u>	<u>38</u>
<u>Block: 540390108041016</u>	<u>63</u>
<u>Block: 540390108041017</u>	<u>0</u>
<u>Block: 540390108041018</u>	<u>6</u>
<u>Block: 540390108041019</u>	<u>35</u>
<u>Block: 540390108041020</u>	<u>2</u>
<u>Block: 540390108041021</u>	<u>5</u>
<u>Block: 540390108041022</u>	<u>71</u>
<u>Block: 540390108041023</u>	<u>7</u>
<u>Block: 540390108041024</u>	<u>2</u>
<u>Block: 540390108041025</u>	<u>1</u>
<u>Block: 540390108041026</u>	<u>4</u>

<u>Block: 540390108041027</u>	<u>18</u>
<u>Block: 540390108041028</u>	<u>1</u>
<u>Block: 540390108041029</u>	<u>32</u>
<u>Block: 540390108041030</u>	<u>15</u>
<u>Block: 540390108041031</u>	<u>9</u>
<u>Block: 540390108041032</u>	<u>16</u>
<u>Block: 540390108041033</u>	<u>35</u>
<u>Block: 540390108041034</u>	<u>3</u>
<u>Block: 540390108041035</u>	<u>1</u>
<u>Block: 540390108041036</u>	<u>10</u>
<u>Block: 540390108041037</u>	<u>0</u>
<u>Block: 540390108041038</u>	<u>13</u>
<u>Block: 540390108041039</u>	<u>1</u>
<u>Block: 540390108041040</u>	<u>0</u>
<u>Block: 540390108041041</u>	<u>0</u>
<u>Block: 540390108041042</u>	<u>6</u>
<u>Block: 540390108041043</u>	<u>6</u>
<u>Block: 540390108041044</u>	<u>7</u>
<u>Block: 540390108041045</u>	<u>6</u>
<u>Block: 540390108041046</u>	<u>69</u>
<u>Block: 540390108041047</u>	<u>0</u>
<u>Block: 540390108041048</u>	<u>2</u>

<u>Block: 540390108041049</u>	<u>6</u>
<u>Block: 540390108041050</u>	<u>16</u>
<u>Block: 540390108041051</u>	<u>125</u>
<u>Block: 540390108041052</u>	<u>13</u>
<u>Block: 540390108041053</u>	<u>36</u>
<u>Block: 540390108041054</u>	<u>4</u>
<u>Block: 540390108041055</u>	<u>33</u>
<u>Block: 540390108041056</u>	<u>0</u>
<u>Block: 540390108041057</u>	<u>8</u>
<u>Block: 540390108041058</u>	<u>6</u>
<u>Block: 540390108041059</u>	<u>21</u>
<u>Block: 540390108041060</u>	<u>6</u>
<u>Block: 540390108041061</u>	<u>36</u>
<u>Block: 540390108041062</u>	<u>0</u>
<u>Block: 540390108041063</u>	<u>0</u>
<u>Block: 540390108041064</u>	<u>7</u>
<u>Block: 540390108041065</u>	<u>3</u>
<u>Block: 540390108041066</u>	<u>0</u>
<u>Block: 540390108041075</u>	<u>0</u>
<u>Block: 540390108041076</u>	<u>9</u>
<u>Block: 540390108041079</u>	<u>0</u>
<u>BlockGroup 540390108041 Subtotal</u>	<u>979</u>

<u>BlockGroup: 540390108042</u>	
<u>Block: 540390108042000</u>	<u>8</u>
<u>Block: 540390108042001</u>	<u>22</u>
<u>Block: 540390108042002</u>	<u>0</u>
<u>Block: 540390108042003</u>	<u>1</u>
<u>Block: 540390108042004</u>	<u>217</u>
<u>Block: 540390108042005</u>	<u>10</u>
<u>Block: 540390108042006</u>	<u>12</u>
<u>Block: 540390108042007</u>	<u>6</u>
<u>Block: 540390108042008</u>	<u>9</u>
<u>Block: 540390108042009</u>	<u>15</u>
<u>Block: 540390108042010</u>	<u>50</u>
<u>Block: 540390108042011</u>	<u>0</u>
<u>Block: 540390108042012</u>	<u>0</u>
<u>Block: 540390108042013</u>	<u>20</u>
<u>Block: 540390108042014</u>	<u>0</u>
<u>Block: 540390108042015</u>	<u>12</u>
<u>Block: 540390108042016</u>	<u>85</u>
<u>Block: 540390108042017</u>	<u>11</u>
<u>Block: 540390108042018</u>	<u>6</u>
<u>Block: 540390108042019</u>	<u>0</u>
<u>Block: 540390108042020</u>	<u>0</u>

<u>Block: 540390108042021</u>	<u>3</u>
<u>Block: 540390108042022</u>	<u>19</u>
<u>Block: 540390108042023</u>	<u>7</u>
<u>Block: 540390108042024</u>	<u>4</u>
<u>Block: 540390108042025</u>	<u>68</u>
<u>Block: 540390108042026</u>	<u>10</u>
<u>Block: 540390108042027</u>	<u>7</u>
<u>Block: 540390108042028</u>	<u>8</u>
<u>Block: 540390108042029</u>	<u>0</u>
<u>Block: 540390108042030</u>	<u>0</u>
<u>Block: 540390108042031</u>	<u>195</u>
<u>Block: 540390108042032</u>	<u>18</u>
<u>Block: 540390108042033</u>	<u>67</u>
<u>Block: 540390108042034</u>	<u>0</u>
<u>Block: 540390108042035</u>	<u>0</u>
<u>Block: 540390108042036</u>	<u>21</u>
<u>Block: 540390108042037</u>	<u>0</u>
<u>Block: 540390108042038</u>	<u>44</u>
<u>Block: 540390108042039</u>	<u>25</u>
<u>Block: 540390108042040</u>	<u>0</u>
<u>Block: 540390108042042</u>	<u>0</u>
<u>Block: 540390108042043</u>	<u>7</u>

Block: 540390108042044	13
Block: 540390108042045	11
Block: 540390108042046	0
Block: 540390108042047	4
BlockGroup 540390108042 Subtotal	1015
Tract 108.04 Subtotal	1994
<u>Tract: 11 (part)</u>	
BlockGroup: 540390011002	752
BlockGroup: 540390011003	1154
BlockGroup: 540390011004	670
BlockGroup: 540390011005	644
BlockGroup: 540390011006	481
Tract 11 Subtotal	3701
Tract: 12	1595
Tract: 13	2497
Tract: 2	2317
Tract: 3	2573
Tract: 5	2152
Tract: 6	4008
Tract: 7	2196
Tract: 8	1943
Tract: 9	1158

<u>County Kanawha WV Subtotal</u>	<u>54945</u>
<u>County: Putnam WV (part)</u>	
<u>Tract: 201</u>	<u>4950</u>
<u>Tract: 202</u>	<u>5329</u>
<u>Tract: 205</u>	<u>5925</u>
<u>County Putnam WV Subtotal</u>	<u>16204</u>
<u>County: Roane WV</u>	<u>14028</u>
<u>County: Wirt WV (part)</u>	
<u>Tract: 301.01 (part)</u>	
<u>BlockGroup: 541050301012</u>	
<u>Block: 541050301012139</u>	<u>0</u>
<u>BlockGroup 541050301012 Subtotal</u>	<u>0</u>
<u>Tract 301.01 Subtotal</u>	<u>0</u>
<u>County Wirt WV Subtotal</u>	<u>0</u>
<u>District 8 Total</u>	<u>101467</u>

(9) The ninth senatorial district consists of the following counties, tracts, block groups, and blocks, together with their respective populations from the 2020 federal decennial census:

The following areas of McDowell County:

Voting district: 23

Voting district: 26

The following blocks of voting district 32:

Block: 540479538004072

Block: 540479538004086

Block: 540479538004087

Block: 540479538004089

Block: 540479538004090

Block: 540479538004092

Block: 540479545031085

Block: 540479545031088

Block: 540479545041000

Block: 540479545041001

Block: 540479545045001

Block: 540479545045002

Block: 540479545045003

Block: 540479545045004

Block: 540479545045005

Block: 540479545045006

Voting district: 40

The following block of voting district 58:

Block: 540479545045017

The following blocks of voting district 63:

Block: 540479545031015

Block: 540479545031093

Block: 540479545031095

Block: 540479545031098

Block: 540479545031099

Raleigh County

~~Wyoming County~~

District 9

County: Fayette WV (part)

Tract: 201.01 (part)

BlockGroup: 540190201011

Block: 540190201011004 2

Block: 540190201011032 9

Block: 540190201011033 14

BlockGroup 540190201011 Subtotal 25

BlockGroup: 540190201013

Block: 540190201013046 0

Block: 540190201013047 0

Block: 540190201013048 0

Block: 540190201013049 1

Block: 540190201013055 0

Block: 540190201013057 0

Block: 540190201013058 0

Block: 540190201013060 0

BlockGroup 540190201013 Subtotal 1

<u>Tract 201.01 Subtotal</u>	<u>26</u>
<u>Tract: 202.01 (part)</u>	
<u>BlockGroup: 540190202011</u>	
<u>Block: 540190202011001</u>	<u>14</u>
<u>Block: 540190202011002</u>	<u>0</u>
<u>Block: 540190202011003</u>	<u>0</u>
<u>Block: 540190202011004</u>	<u>0</u>
<u>Block: 540190202011005</u>	<u>0</u>
<u>Block: 540190202011006</u>	<u>0</u>
<u>Block: 540190202011007</u>	<u>0</u>
<u>Block: 540190202011008</u>	<u>0</u>
<u>Block: 540190202011011</u>	<u>12</u>
<u>Block: 540190202011013</u>	<u>0</u>
<u>Block: 540190202011014</u>	<u>33</u>
<u>Block: 540190202011015</u>	<u>7</u>
<u>Block: 540190202011016</u>	<u>5</u>
<u>Block: 540190202011017</u>	<u>3</u>
<u>Block: 540190202011018</u>	<u>0</u>
<u>Block: 540190202011019</u>	<u>222</u>
<u>Block: 540190202011020</u>	<u>0</u>
<u>Block: 540190202011021</u>	<u>9</u>
<u>Block: 540190202011022</u>	<u>0</u>

<u>Block: 540190202011023</u>	<u>0</u>
<u>Block: 540190202011024</u>	<u>16</u>
<u>Block: 540190202011025</u>	<u>87</u>
<u>Block: 540190202011026</u>	<u>14</u>
<u>Block: 540190202011027</u>	<u>41</u>
<u>Block: 540190202011028</u>	<u>53</u>
<u>Block: 540190202011029</u>	<u>5</u>
<u>Block: 540190202011030</u>	<u>96</u>
<u>Block: 540190202011031</u>	<u>6</u>
<u>Block: 540190202011032</u>	<u>8</u>
<u>Block: 540190202011033</u>	<u>24</u>
<u>BlockGroup 540190202011 Subtotal</u>	<u>655</u>
<u>BlockGroup: 540190202012</u>	
<u>Block: 540190202012004</u>	<u>1</u>
<u>Block: 540190202012005</u>	<u>8</u>
<u>Block: 540190202012006</u>	<u>11</u>
<u>Block: 540190202012007</u>	<u>6</u>
<u>Block: 540190202012008</u>	<u>8</u>
<u>Block: 540190202012009</u>	<u>3</u>
<u>Block: 540190202012010</u>	<u>29</u>
<u>Block: 540190202012011</u>	<u>16</u>
<u>Block: 540190202012012</u>	<u>28</u>

<u>Block: 540190202012013</u>	<u>41</u>
<u>Block: 540190202012014</u>	<u>13</u>
<u>Block: 540190202012015</u>	<u>250</u>
<u>Block: 540190202012016</u>	<u>19</u>
<u>Block: 540190202012017</u>	<u>16</u>
<u>Block: 540190202012018</u>	<u>14</u>
<u>Block: 540190202012019</u>	<u>16</u>
<u>Block: 540190202012020</u>	<u>15</u>
<u>Block: 540190202012021</u>	<u>10</u>
<u>Block: 540190202012022</u>	<u>30</u>
<u>Block: 540190202012023</u>	<u>44</u>
<u>Block: 540190202012024</u>	<u>24</u>
<u>Block: 540190202012025</u>	<u>23</u>
<u>Block: 540190202012026</u>	<u>22</u>
<u>Block: 540190202012027</u>	<u>10</u>
<u>Block: 540190202012028</u>	<u>27</u>
<u>Block: 540190202012029</u>	<u>40</u>
<u>Block: 540190202012030</u>	<u>31</u>
<u>Block: 540190202012031</u>	<u>47</u>
<u>Block: 540190202012032</u>	<u>8</u>
<u>Block: 540190202012033</u>	<u>20</u>
<u>Block: 540190202012034</u>	<u>7</u>

<u>Block: 540190202012035</u>	<u>8</u>
<u>Block: 540190202012036</u>	<u>7</u>
<u>Block: 540190202012037</u>	<u>14</u>
<u>Block: 540190202012038</u>	<u>29</u>
<u>Block: 540190202012039</u>	<u>8</u>
<u>Block: 540190202012040</u>	<u>28</u>
<u>Block: 540190202012041</u>	<u>6</u>
<u>Block: 540190202012042</u>	<u>5</u>
<u>Block: 540190202012043</u>	<u>21</u>
<u>Block: 540190202012044</u>	<u>3</u>
<u>Block: 540190202012045</u>	<u>12</u>
<u>Block: 540190202012046</u>	<u>3</u>
<u>Block: 540190202012047</u>	<u>5</u>
<u>Block: 540190202012048</u>	<u>6</u>
<u>Block: 540190202012049</u>	<u>7</u>
<u>Block: 540190202012050</u>	<u>13</u>
<u>Block: 540190202012051</u>	<u>51</u>
<u>Block: 540190202012052</u>	<u>0</u>
<u>Block: 540190202012053</u>	<u>8</u>
<u>Block: 540190202012054</u>	<u>43</u>
<u>Block: 540190202012055</u>	<u>1</u>
<u>Block: 540190202012060</u>	<u>5</u>

<u>BlockGroup 540190202012 Subtotal</u>	<u>1120</u>
<u>BlockGroup: 540190202013</u>	
<u>Block: 540190202013003</u>	<u>85</u>
<u>Block: 540190202013004</u>	<u>15</u>
<u>Block: 540190202013005</u>	<u>27</u>
<u>Block: 540190202013007</u>	<u>19</u>
<u>Block: 540190202013008</u>	<u>13</u>
<u>Block: 540190202013009</u>	<u>9</u>
<u>Block: 540190202013010</u>	<u>20</u>
<u>Block: 540190202013011</u>	<u>12</u>
<u>Block: 540190202013012</u>	<u>0</u>
<u>Block: 540190202013013</u>	<u>0</u>
<u>Block: 540190202013014</u>	<u>15</u>
<u>Block: 540190202013015</u>	<u>3</u>
<u>Block: 540190202013016</u>	<u>2</u>
<u>Block: 540190202013017</u>	<u>0</u>
<u>Block: 540190202013018</u>	<u>0</u>
<u>Block: 540190202013019</u>	<u>0</u>
<u>Block: 540190202013020</u>	<u>73</u>
<u>Block: 540190202013021</u>	<u>7</u>
<u>Block: 540190202013022</u>	<u>11</u>
<u>Block: 540190202013023</u>	<u>22</u>

<u>Block: 540190202013024</u>	<u>19</u>
<u>Block: 540190202013025</u>	<u>0</u>
<u>Block: 540190202013026</u>	<u>0</u>
<u>Block: 540190202013027</u>	<u>4</u>
<u>Block: 540190202013028</u>	<u>5</u>
<u>Block: 540190202013029</u>	<u>5</u>
<u>Block: 540190202013030</u>	<u>11</u>
<u>Block: 540190202013031</u>	<u>0</u>
<u>Block: 540190202013032</u>	<u>14</u>
<u>Block: 540190202013033</u>	<u>16</u>
<u>Block: 540190202013034</u>	<u>18</u>
<u>Block: 540190202013035</u>	<u>6</u>
<u>Block: 540190202013036</u>	<u>14</u>
<u>Block: 540190202013037</u>	<u>0</u>
<u>Block: 540190202013038</u>	<u>0</u>
<u>Block: 540190202013039</u>	<u>0</u>
<u>Block: 540190202013040</u>	<u>146</u>
<u>Block: 540190202013041</u>	<u>143</u>
<u>Block: 540190202013042</u>	<u>56</u>
<u>Block: 540190202013043</u>	<u>0</u>
<u>Block: 540190202013044</u>	<u>0</u>
<u>Block: 540190202013045</u>	<u>0</u>

<u>Block: 540190202013046</u>	<u>0</u>
<u>Block: 540190202013047</u>	<u>0</u>
<u>Block: 540190202013048</u>	<u>0</u>
<u>Block: 540190202013049</u>	<u>0</u>
<u>Block: 540190202013050</u>	<u>0</u>
<u>Block: 540190202013051</u>	<u>0</u>
<u>Block: 540190202013052</u>	<u>0</u>
<u>Block: 540190202013053</u>	<u>0</u>
<u>Block: 540190202013054</u>	<u>25</u>
<u>Block: 540190202013055</u>	<u>0</u>
<u>Block: 540190202013056</u>	<u>0</u>
<u>Block: 540190202013057</u>	<u>0</u>
<u>Block: 540190202013058</u>	<u>0</u>
<u>Block: 540190202013059</u>	<u>0</u>
<u>Block: 540190202013060</u>	<u>0</u>
<u>Block: 540190202013061</u>	<u>0</u>
<u>Block: 540190202013062</u>	<u>0</u>
<u>Block: 540190202013063</u>	<u>0</u>
<u>Block: 540190202013064</u>	<u>0</u>
<u>Block: 540190202013065</u>	<u>0</u>
<u>Block: 540190202013066</u>	<u>7</u>
<u>Block: 540190202013067</u>	<u>2</u>

<u>Block: 540190202013068</u>	<u>0</u>
<u>Block: 540190202013069</u>	<u>0</u>
<u>Block: 540190202013070</u>	<u>76</u>
<u>Block: 540190202013071</u>	<u>13</u>
<u>Block: 540190202013072</u>	<u>21</u>
<u>BlockGroup 540190202013 Subtotal</u>	<u>934</u>
<u>Tract 202.01 Subtotal</u>	<u>2709</u>
<u>Tract: 202.02 (part)</u>	
<u>BlockGroup: 540190202021</u>	
<u>Block: 540190202021011</u>	<u>233</u>
<u>Block: 540190202021012</u>	<u>0</u>
<u>Block: 540190202021013</u>	<u>0</u>
<u>Block: 540190202021018</u>	<u>4</u>
<u>Block: 540190202021019</u>	<u>0</u>
<u>Block: 540190202021020</u>	<u>45</u>
<u>Block: 540190202021021</u>	<u>0</u>
<u>Block: 540190202021022</u>	<u>10</u>
<u>Block: 540190202021023</u>	<u>0</u>
<u>Block: 540190202021024</u>	<u>8</u>
<u>Block: 540190202021025</u>	<u>40</u>
<u>Block: 540190202021026</u>	<u>0</u>
<u>Block: 540190202021027</u>	<u>12</u>

<u>Block: 540190202021028</u>	<u>0</u>
<u>Block: 540190202021029</u>	<u>0</u>
<u>Block: 540190202021030</u>	<u>138</u>
<u>Block: 540190202021031</u>	<u>23</u>
<u>Block: 540190202021032</u>	<u>31</u>
<u>Block: 540190202021033</u>	<u>22</u>
<u>Block: 540190202021034</u>	<u>3</u>
<u>Block: 540190202021035</u>	<u>0</u>
<u>Block: 540190202021036</u>	<u>0</u>
<u>Block: 540190202021037</u>	<u>15</u>
<u>Block: 540190202021038</u>	<u>0</u>
<u>BlockGroup 540190202021 Subtotal</u>	<u>584</u>
<u>BlockGroup: 540190202022</u>	
<u>Block: 540190202022000</u>	<u>7</u>
<u>Block: 540190202022005</u>	<u>0</u>
<u>Block: 540190202022006</u>	<u>0</u>
<u>Block: 540190202022007</u>	<u>0</u>
<u>Block: 540190202022008</u>	<u>6</u>
<u>Block: 540190202022009</u>	<u>84</u>
<u>Block: 540190202022010</u>	<u>23</u>
<u>Block: 540190202022011</u>	<u>49</u>
<u>Block: 540190202022012</u>	<u>42</u>

Block: 540190202022013	18
Block: 540190202022014	18
Block: 540190202022015	51
Block: 540190202022016	21
Block: 540190202022017	0
Block: 540190202022018	27
Block: 540190202022019	195
Block: 540190202022020	8
Block: 540190202022021	0
Block: 540190202022022	6
Block: 540190202022023	0
Block: 540190202022024	39
Block: 540190202022025	15
BlockGroup 540190202022 Subtotal	609
BlockGroup: 540190202023	1586
Tract 202.02 Subtotal	2779
Tract: 203	2733
Tract: 204	3873
Tract: 205	1606
Tract: 206 (part)	
BlockGroup: 540190206001	
Block: 540190206001022	0

<u>Block: 540190206001023</u>	<u>0</u>
<u>Block: 540190206001024</u>	<u>0</u>
<u>Block: 540190206001025</u>	<u>0</u>
<u>Block: 540190206001026</u>	<u>40</u>
<u>Block: 540190206001027</u>	<u>0</u>
<u>Block: 540190206001029</u>	<u>182</u>
<u>Block: 540190206001030</u>	<u>8</u>
<u>Block: 540190206001031</u>	<u>26</u>
<u>Block: 540190206001032</u>	<u>0</u>
<u>Block: 540190206001033</u>	<u>0</u>
<u>Block: 540190206001034</u>	<u>8</u>
<u>Block: 540190206001035</u>	<u>0</u>
<u>Block: 540190206001036</u>	<u>44</u>
<u>Block: 540190206001037</u>	<u>6</u>
<u>Block: 540190206001038</u>	<u>10</u>
<u>Block: 540190206001039</u>	<u>0</u>
<u>Block: 540190206001040</u>	<u>5</u>
<u>Block: 540190206001041</u>	<u>0</u>
<u>Block: 540190206001042</u>	<u>0</u>
<u>Block: 540190206001043</u>	<u>0</u>
<u>Block: 540190206001044</u>	<u>0</u>
<u>Block: 540190206001045</u>	<u>0</u>

<u>Block: 540190206001046</u>	<u>0</u>
<u>Block: 540190206001047</u>	<u>13</u>
<u>Block: 540190206001048</u>	<u>0</u>
<u>Block: 540190206001049</u>	<u>42</u>
<u>Block: 540190206001050</u>	<u>0</u>
<u>Block: 540190206001051</u>	<u>0</u>
<u>Block: 540190206001052</u>	<u>0</u>
<u>Block: 540190206001053</u>	<u>14</u>
<u>Block: 540190206001054</u>	<u>137</u>
<u>Block: 540190206001055</u>	<u>4</u>
<u>Block: 540190206001056</u>	<u>9</u>
<u>Block: 540190206001057</u>	<u>0</u>
<u>Block: 540190206001058</u>	<u>0</u>
<u>Block: 540190206001059</u>	<u>8</u>
<u>Block: 540190206001060</u>	<u>18</u>
<u>Block: 540190206001061</u>	<u>9</u>
<u>Block: 540190206001062</u>	<u>5</u>
<u>Block: 540190206001063</u>	<u>0</u>
<u>Block: 540190206001064</u>	<u>0</u>
<u>Block: 540190206001065</u>	<u>0</u>
<u>Block: 540190206001066</u>	<u>0</u>
<u>Block: 540190206001067</u>	<u>0</u>

<u>Block: 540190206001068</u>	<u>10</u>
<u>Block: 540190206001069</u>	<u>2</u>
<u>Block: 540190206001070</u>	<u>0</u>
<u>BlockGroup 540190206001 Subtotal</u>	<u>600</u>
<u>BlockGroup: 540190206002</u>	
<u>Block: 540190206002035</u>	<u>0</u>
<u>Block: 540190206002041</u>	<u>0</u>
<u>Block: 540190206002043</u>	<u>0</u>
<u>Block: 540190206002065</u>	<u>19</u>
<u>Block: 540190206002066</u>	<u>3</u>
<u>Block: 540190206002067</u>	<u>2</u>
<u>Block: 540190206002068</u>	<u>9</u>
<u>Block: 540190206002069</u>	<u>0</u>
<u>Block: 540190206002081</u>	<u>10</u>
<u>Block: 540190206002082</u>	<u>5</u>
<u>Block: 540190206002083</u>	<u>1</u>
<u>Block: 540190206002084</u>	<u>0</u>
<u>Block: 540190206002085</u>	<u>13</u>
<u>Block: 540190206002086</u>	<u>3</u>
<u>Block: 540190206002087</u>	<u>1</u>
<u>Block: 540190206002088</u>	<u>2</u>
<u>Block: 540190206002089</u>	<u>14</u>

<u>Block: 540190206002090</u>	<u>7</u>
<u>Block: 540190206002091</u>	<u>21</u>
<u>Block: 540190206002092</u>	<u>19</u>
<u>Block: 540190206002093</u>	<u>6</u>
<u>Block: 540190206002094</u>	<u>4</u>
<u>Block: 540190206002095</u>	<u>21</u>
<u>Block: 540190206002096</u>	<u>0</u>
<u>Block: 540190206002098</u>	<u>65</u>
<u>Block: 540190206002099</u>	<u>7</u>
<u>Block: 540190206002100</u>	<u>3</u>
<u>Block: 540190206002101</u>	<u>6</u>
<u>Block: 540190206002102</u>	<u>0</u>
<u>Block: 540190206002103</u>	<u>0</u>
<u>Block: 540190206002104</u>	<u>11</u>
<u>Block: 540190206002105</u>	<u>0</u>
<u>Block: 540190206002106</u>	<u>67</u>
<u>Block: 540190206002107</u>	<u>0</u>
<u>Block: 540190206002108</u>	<u>2</u>
<u>Block: 540190206002109</u>	<u>12</u>
<u>Block: 540190206002110</u>	<u>1</u>
<u>Block: 540190206002111</u>	<u>13</u>
<u>Block: 540190206002112</u>	<u>2</u>

Block: 540190206002118	9
Block: 540190206002119	0
Block: 540190206002120	4
Block: 540190206002121	9
Block: 540190206002124	0
Block: 540190206002131	0
Block: 540190206002132	0
Block: 540190206002133	0
Block: 540190206002134	0
BlockGroup 540190206002 Subtotal	371
Tract 206 Subtotal	971
County Fayette WV Subtotal	14697
County: Raleigh WV	74591
County: Wyoming WV	21382
District 9 Total	110670

(10) The tenth senatorial district consists of the following counties, tracts, block groups, and blocks, together with their respective populations from the 2020 federal decennial census:

~~Fayette County~~

~~Greenbrier County~~

~~Monroe County~~

~~Summers County~~

District 10

County: Fayette WV (part)Tract: 201.01 (part)BlockGroup: 540190201011

<u>Block: 540190201011000</u>	<u>138</u>
<u>Block: 540190201011001</u>	<u>140</u>
<u>Block: 540190201011002</u>	<u>98</u>
<u>Block: 540190201011003</u>	<u>82</u>
<u>Block: 540190201011005</u>	<u>7</u>
<u>Block: 540190201011006</u>	<u>31</u>
<u>Block: 540190201011007</u>	<u>66</u>
<u>Block: 540190201011008</u>	<u>43</u>
<u>Block: 540190201011009</u>	<u>0</u>
<u>Block: 540190201011010</u>	<u>119</u>
<u>Block: 540190201011011</u>	<u>0</u>
<u>Block: 540190201011012</u>	<u>25</u>
<u>Block: 540190201011013</u>	<u>0</u>
<u>Block: 540190201011014</u>	<u>23</u>
<u>Block: 540190201011015</u>	<u>12</u>
<u>Block: 540190201011016</u>	<u>8</u>
<u>Block: 540190201011017</u>	<u>11</u>
<u>Block: 540190201011018</u>	<u>16</u>
<u>Block: 540190201011019</u>	<u>45</u>

<u>Block: 540190201011020</u>	<u>5</u>
<u>Block: 540190201011021</u>	<u>5</u>
<u>Block: 540190201011022</u>	<u>0</u>
<u>Block: 540190201011023</u>	<u>0</u>
<u>Block: 540190201011024</u>	<u>0</u>
<u>Block: 540190201011025</u>	<u>0</u>
<u>Block: 540190201011026</u>	<u>0</u>
<u>Block: 540190201011027</u>	<u>0</u>
<u>Block: 540190201011028</u>	<u>2</u>
<u>Block: 540190201011029</u>	<u>3</u>
<u>Block: 540190201011030</u>	<u>7</u>
<u>Block: 540190201011031</u>	<u>4</u>
<u>Block: 540190201011034</u>	<u>13</u>
<u>BlockGroup 540190201011 Subtotal</u>	<u>903</u>
<u>BlockGroup: 540190201012</u>	<u>1764</u>
<u>BlockGroup: 540190201013</u>	
<u>Block: 540190201013000</u>	<u>0</u>
<u>Block: 540190201013001</u>	<u>2</u>
<u>Block: 540190201013002</u>	<u>0</u>
<u>Block: 540190201013003</u>	<u>54</u>
<u>Block: 540190201013004</u>	<u>9</u>
<u>Block: 540190201013005</u>	<u>40</u>

<u>Block: 540190201013006</u>	<u>2</u>
<u>Block: 540190201013007</u>	<u>6</u>
<u>Block: 540190201013008</u>	<u>3</u>
<u>Block: 540190201013009</u>	<u>83</u>
<u>Block: 540190201013010</u>	<u>0</u>
<u>Block: 540190201013011</u>	<u>67</u>
<u>Block: 540190201013012</u>	<u>132</u>
<u>Block: 540190201013013</u>	<u>11</u>
<u>Block: 540190201013014</u>	<u>35</u>
<u>Block: 540190201013015</u>	<u>4</u>
<u>Block: 540190201013016</u>	<u>0</u>
<u>Block: 540190201013017</u>	<u>0</u>
<u>Block: 540190201013018</u>	<u>0</u>
<u>Block: 540190201013019</u>	<u>63</u>
<u>Block: 540190201013020</u>	<u>46</u>
<u>Block: 540190201013021</u>	<u>42</u>
<u>Block: 540190201013022</u>	<u>0</u>
<u>Block: 540190201013023</u>	<u>126</u>
<u>Block: 540190201013024</u>	<u>160</u>
<u>Block: 540190201013025</u>	<u>0</u>
<u>Block: 540190201013026</u>	<u>12</u>
<u>Block: 540190201013027</u>	<u>0</u>

<u>Block: 540190201013028</u>	<u>19</u>
<u>Block: 540190201013029</u>	<u>9</u>
<u>Block: 540190201013030</u>	<u>79</u>
<u>Block: 540190201013031</u>	<u>137</u>
<u>Block: 540190201013032</u>	<u>32</u>
<u>Block: 540190201013033</u>	<u>2</u>
<u>Block: 540190201013034</u>	<u>27</u>
<u>Block: 540190201013035</u>	<u>9</u>
<u>Block: 540190201013036</u>	<u>4</u>
<u>Block: 540190201013037</u>	<u>24</u>
<u>Block: 540190201013038</u>	<u>0</u>
<u>Block: 540190201013039</u>	<u>0</u>
<u>Block: 540190201013040</u>	<u>1</u>
<u>Block: 540190201013041</u>	<u>18</u>
<u>Block: 540190201013042</u>	<u>12</u>
<u>Block: 540190201013043</u>	<u>2</u>
<u>Block: 540190201013044</u>	<u>50</u>
<u>Block: 540190201013045</u>	<u>27</u>
<u>Block: 540190201013050</u>	<u>6</u>
<u>Block: 540190201013051</u>	<u>60</u>
<u>Block: 540190201013052</u>	<u>24</u>
<u>Block: 540190201013053</u>	<u>0</u>

<u>Block: 540190201013054</u>	<u>0</u>
<u>Block: 540190201013056</u>	<u>0</u>
<u>Block: 540190201013059</u>	<u>0</u>
<u>Block: 540190201013061</u>	<u>0</u>
<u>Block: 540190201013062</u>	<u>2</u>
<u>Block: 540190201013063</u>	<u>11</u>
<u>BlockGroup 540190201013 Subtotal</u>	<u>1452</u>
<u>Tract 201.01 Subtotal</u>	<u>4119</u>
<u>Tract: 201.02</u>	<u>1627</u>
<u>Tract: 202.01 (part)</u>	
<u>BlockGroup: 540190202011</u>	
<u>Block: 540190202011000</u>	<u>0</u>
<u>Block: 540190202011009</u>	<u>443</u>
<u>Block: 540190202011010</u>	<u>25</u>
<u>Block: 540190202011012</u>	<u>3</u>
<u>BlockGroup 540190202011 Subtotal</u>	<u>471</u>
<u>BlockGroup: 540190202012</u>	
<u>Block: 540190202012000</u>	<u>53</u>
<u>Block: 540190202012001</u>	<u>110</u>
<u>Block: 540190202012002</u>	<u>6</u>
<u>Block: 540190202012003</u>	<u>36</u>
<u>Block: 540190202012056</u>	<u>58</u>

<u>Block: 540190202012057</u>	<u>71</u>
<u>Block: 540190202012058</u>	<u>51</u>
<u>Block: 540190202012059</u>	<u>63</u>
<u>BlockGroup 540190202012 Subtotal</u>	<u>448</u>
<u>BlockGroup: 540190202013</u>	
<u>Block: 540190202013000</u>	<u>52</u>
<u>Block: 540190202013001</u>	<u>13</u>
<u>Block: 540190202013002</u>	<u>14</u>
<u>Block: 540190202013006</u>	<u>106</u>
<u>BlockGroup 540190202013 Subtotal</u>	<u>185</u>
<u>Tract 202.01 Subtotal</u>	<u>1104</u>
<u>Tract: 202.02 (part)</u>	
<u>BlockGroup: 540190202021</u>	
<u>Block: 540190202021000</u>	<u>0</u>
<u>Block: 540190202021001</u>	<u>18</u>
<u>Block: 540190202021002</u>	<u>78</u>
<u>Block: 540190202021003</u>	<u>276</u>
<u>Block: 540190202021004</u>	<u>24</u>
<u>Block: 540190202021005</u>	<u>32</u>
<u>Block: 540190202021006</u>	<u>0</u>
<u>Block: 540190202021007</u>	<u>4</u>
<u>Block: 540190202021008</u>	<u>26</u>

<u>Block: 540190202021009</u>	<u>15</u>
<u>Block: 540190202021010</u>	<u>0</u>
<u>Block: 540190202021014</u>	<u>0</u>
<u>Block: 540190202021015</u>	<u>57</u>
<u>Block: 540190202021016</u>	<u>7</u>
<u>Block: 540190202021017</u>	<u>12</u>
<u>Block: 540190202021039</u>	<u>204</u>
<u>Block: 540190202021040</u>	<u>5</u>
<u>Block: 540190202021041</u>	<u>10</u>
<u>Block: 540190202021042</u>	<u>6</u>
<u>Block: 540190202021043</u>	<u>0</u>
<u>Block: 540190202021044</u>	<u>8</u>
<u>BlockGroup 540190202021 Subtotal</u>	<u>782</u>
<u>BlockGroup: 540190202022</u>	
<u>Block: 540190202022001</u>	<u>42</u>
<u>Block: 540190202022002</u>	<u>28</u>
<u>Block: 540190202022003</u>	<u>3</u>
<u>Block: 540190202022004</u>	<u>18</u>
<u>BlockGroup 540190202022 Subtotal</u>	<u>91</u>
<u>Tract 202.02 Subtotal</u>	<u>873</u>
<u>Tract: 206 (part)</u>	
<u>BlockGroup: 540190206001</u>	

<u>Block: 540190206001000</u>	<u>0</u>
<u>Block: 540190206001001</u>	<u>0</u>
<u>Block: 540190206001002</u>	<u>5</u>
<u>Block: 540190206001003</u>	<u>2</u>
<u>Block: 540190206001004</u>	<u>0</u>
<u>Block: 540190206001005</u>	<u>18</u>
<u>Block: 540190206001006</u>	<u>6</u>
<u>Block: 540190206001007</u>	<u>0</u>
<u>Block: 540190206001008</u>	<u>10</u>
<u>Block: 540190206001009</u>	<u>0</u>
<u>Block: 540190206001010</u>	<u>0</u>
<u>Block: 540190206001011</u>	<u>0</u>
<u>Block: 540190206001012</u>	<u>0</u>
<u>Block: 540190206001013</u>	<u>0</u>
<u>Block: 540190206001014</u>	<u>0</u>
<u>Block: 540190206001015</u>	<u>0</u>
<u>Block: 540190206001016</u>	<u>0</u>
<u>Block: 540190206001017</u>	<u>0</u>
<u>Block: 540190206001018</u>	<u>0</u>
<u>Block: 540190206001019</u>	<u>0</u>
<u>Block: 540190206001020</u>	<u>0</u>
<u>Block: 540190206001021</u>	<u>0</u>

<u>Block: 540190206001028</u>	<u>0</u>	
<u>Block: 540190206001071</u>	<u>0</u>	
<u>Block: 540190206001072</u>	<u>0</u>	
<u>BlockGroup 540190206001 Subtotal</u>		<u>41</u>
<u>BlockGroup: 540190206002</u>		
<u>Block: 540190206002000</u>	<u>0</u>	
<u>Block: 540190206002001</u>	<u>0</u>	
<u>Block: 540190206002002</u>	<u>0</u>	
<u>Block: 540190206002003</u>	<u>69</u>	
<u>Block: 540190206002004</u>	<u>11</u>	
<u>Block: 540190206002005</u>	<u>9</u>	
<u>Block: 540190206002006</u>	<u>6</u>	
<u>Block: 540190206002007</u>	<u>21</u>	
<u>Block: 540190206002008</u>	<u>0</u>	
<u>Block: 540190206002009</u>	<u>4</u>	
<u>Block: 540190206002010</u>	<u>0</u>	
<u>Block: 540190206002011</u>	<u>5</u>	
<u>Block: 540190206002012</u>	<u>31</u>	
<u>Block: 540190206002013</u>	<u>15</u>	
<u>Block: 540190206002014</u>	<u>0</u>	
<u>Block: 540190206002015</u>	<u>0</u>	
<u>Block: 540190206002016</u>	<u>0</u>	

<u>Block: 540190206002017</u>	<u>37</u>
<u>Block: 540190206002018</u>	<u>14</u>
<u>Block: 540190206002019</u>	<u>15</u>
<u>Block: 540190206002020</u>	<u>2</u>
<u>Block: 540190206002021</u>	<u>2</u>
<u>Block: 540190206002022</u>	<u>7</u>
<u>Block: 540190206002023</u>	<u>22</u>
<u>Block: 540190206002024</u>	<u>0</u>
<u>Block: 540190206002025</u>	<u>0</u>
<u>Block: 540190206002026</u>	<u>7</u>
<u>Block: 540190206002027</u>	<u>15</u>
<u>Block: 540190206002028</u>	<u>5</u>
<u>Block: 540190206002029</u>	<u>0</u>
<u>Block: 540190206002030</u>	<u>0</u>
<u>Block: 540190206002031</u>	<u>2</u>
<u>Block: 540190206002032</u>	<u>153</u>
<u>Block: 540190206002033</u>	<u>6</u>
<u>Block: 540190206002034</u>	<u>6</u>
<u>Block: 540190206002036</u>	<u>36</u>
<u>Block: 540190206002037</u>	<u>4</u>
<u>Block: 540190206002038</u>	<u>0</u>
<u>Block: 540190206002039</u>	<u>0</u>

<u>Block: 540190206002040</u>	<u>16</u>
<u>Block: 540190206002042</u>	<u>0</u>
<u>Block: 540190206002044</u>	<u>24</u>
<u>Block: 540190206002045</u>	<u>13</u>
<u>Block: 540190206002046</u>	<u>3</u>
<u>Block: 540190206002047</u>	<u>6</u>
<u>Block: 540190206002048</u>	<u>16</u>
<u>Block: 540190206002049</u>	<u>0</u>
<u>Block: 540190206002050</u>	<u>48</u>
<u>Block: 540190206002051</u>	<u>0</u>
<u>Block: 540190206002052</u>	<u>2</u>
<u>Block: 540190206002053</u>	<u>0</u>
<u>Block: 540190206002054</u>	<u>0</u>
<u>Block: 540190206002055</u>	<u>0</u>
<u>Block: 540190206002056</u>	<u>0</u>
<u>Block: 540190206002057</u>	<u>0</u>
<u>Block: 540190206002058</u>	<u>0</u>
<u>Block: 540190206002059</u>	<u>0</u>
<u>Block: 540190206002060</u>	<u>0</u>
<u>Block: 540190206002061</u>	<u>0</u>
<u>Block: 540190206002062</u>	<u>0</u>
<u>Block: 540190206002063</u>	<u>0</u>

<u>Block: 540190206002064</u>	<u>0</u>
<u>Block: 540190206002070</u>	<u>8</u>
<u>Block: 540190206002071</u>	<u>15</u>
<u>Block: 540190206002072</u>	<u>6</u>
<u>Block: 540190206002073</u>	<u>17</u>
<u>Block: 540190206002074</u>	<u>0</u>
<u>Block: 540190206002075</u>	<u>9</u>
<u>Block: 540190206002076</u>	<u>0</u>
<u>Block: 540190206002077</u>	<u>0</u>
<u>Block: 540190206002078</u>	<u>10</u>
<u>Block: 540190206002079</u>	<u>7</u>
<u>Block: 540190206002080</u>	<u>0</u>
<u>Block: 540190206002097</u>	<u>19</u>
<u>Block: 540190206002113</u>	<u>0</u>
<u>Block: 540190206002114</u>	<u>11</u>
<u>Block: 540190206002115</u>	<u>0</u>
<u>Block: 540190206002116</u>	<u>0</u>
<u>Block: 540190206002117</u>	<u>6</u>
<u>Block: 540190206002122</u>	<u>0</u>
<u>Block: 540190206002123</u>	<u>0</u>
<u>Block: 540190206002125</u>	<u>0</u>
<u>Block: 540190206002126</u>	<u>0</u>

<u>Block: 540190206002127</u>	<u>0</u>
<u>Block: 540190206002128</u>	<u>0</u>
<u>Block: 540190206002129</u>	<u>24</u>
<u>Block: 540190206002130</u>	<u>5</u>
<u>Block: 540190206002135</u>	<u>1</u>
<u>BlockGroup 540190206002 Subtotal</u>	<u>770</u>
<u>Tract 206 Subtotal</u>	<u>811</u>
<u>Tract: 207</u>	<u>3167</u>
<u>Tract: 208</u>	<u>4429</u>
<u>Tract: 209</u>	<u>4068</u>
<u>Tract: 210</u>	<u>2827</u>
<u>Tract: 211</u>	<u>2766</u>
<u>County Fayette WV Subtotal</u>	<u>25791</u>
<u>County: Greenbrier WV</u>	<u>32977</u>
<u>County: Monroe WV</u>	<u>12376</u>
<u>County: Nicholas WV</u>	<u>24604</u>
<u>County: Summers WV</u>	<u>11959</u>
<u>District 10 Total</u>	<u>107707</u>

(11) The eleventh senatorial district consists of the following counties, tracts, block groups, and blocks, together with their respective populations from the 2020 federal decennial census:

The following areas of Grant County:

Voting district: 1

The following blocks of voting district 11:

Block: 540239695001005

Block: 540239695001006

Block: 540239695001010

Block: 540239695001011

Block: 540239695001012

Block: 540239695001013

Block: 540239695001014

Block: 540239695001015

Block: 540239695001016

Block: 540239695001017

Block: 540239695001018

Block: 540239695001019

Block: 540239695001020

Block: 540239695001026

Block: 540239695001027

Block: 540239695001028

Block: 540239695001029

Block: 540239695001030

Block: 540239695001031

Block: 540239695001032

Block: 540239695001033

Block: 540239695001034

Block: 540239695001041

Block: 540239695001045

Block: 540239695001060

Block: 540239695001061

Block: 540239695001062

Block: 540239695001068

Block: 540239695001070

Block: 540239695001071

Block: 540239695001072

Block: 540239695001073

Block: 540239695001074

Block: 540239695001075

Block: 540239695001076

Block: 540239695001077

Block: 540239695001078

Block: 540239695001079

Block: 540239695001080

Block: 540239695001081

Block: 540239695001082

Block: 540239695001083

Block: 540239695001084

Block: 540239695001085

Block: 540239695001086

Block: 540239695001087

Block: 540239695001088

Block: 540239695001089

Block: 540239695001090

Block: 540239695001091

Block: 540239695001092

Block: 540239695001094

Block: 540239695001109

Block: 540239695001110

Block: 540239695001113

Block: 540239695001114

Block: 540239695001115

~~Voting district: 12~~

~~Voting district: 2~~

~~Voting district: 3~~

~~Voting district: 4~~

~~Voting district: 5~~

~~Voting district: 6~~

~~Voting district: 7~~

~~Voting district: 8~~

~~Nicholas County~~~~Pendleton County~~~~Pocahontas County~~~~Randolph County~~~~Upshur County~~~~Webster County~~District 11

<u>County: Barbour WV</u>	<u>15465</u>
<u>County: Braxton WV</u>	<u>12447</u>
<u>County: Pendleton WV</u>	<u>6143</u>
<u>County: Pocahontas WV</u>	<u>7869</u>
<u>County: Randolph WV</u>	<u>27932</u>
<u>County: Upshur WV</u>	<u>23816</u>
<u>County: Webster WV</u>	<u>8378</u>
<u>District 11 Total</u>	<u>102050</u>

(12) The twelfth senatorial district consists of the following counties, tracts, block groups, and blocks, together with their respective populations from the 2020 federal decennial census:

~~Braxton County~~~~Clay County~~~~The following areas of Gilmer County:~~~~Voting district: 16~~~~Voting district: 17~~

~~Voting district: 18~~

~~Voting district: 20~~

~~The following blocks of voting district 24:~~

~~Block: 540219678002017~~

~~Block: 540219678002025~~

~~Block: 540219678002026~~

~~Block: 540219678002027~~

~~Block: 540219678002028~~

~~Block: 540219678002032~~

~~Block: 540219678002040~~

~~Block: 540219678002041~~

~~Block: 540219678002042~~

~~Block: 540219678002043~~

~~Block: 540219678002045~~

~~Harrison County~~

~~Lewis County~~

District 12

County: Calhoun WV 6229

County: Gilmer WV 7408

County: Harrison WV 65921

County: Lewis WV 17033

County: Taylor WV (part)

<u>Tract: 9647</u>	<u>4807</u>
<u>Tract: 9648 (part)</u>	
<u>BlockGroup: 540919648001</u>	<u>611</u>
<u>BlockGroup: 540919648002</u>	
<u>Block: 540919648002013</u>	<u>0</u>
<u>Block: 540919648002014</u>	<u>91</u>
<u>Block: 540919648002015</u>	<u>7</u>
<u>Block: 540919648002016</u>	<u>10</u>
<u>Block: 540919648002017</u>	<u>0</u>
<u>Block: 540919648002018</u>	<u>0</u>
<u>Block: 540919648002019</u>	<u>70</u>
<u>Block: 540919648002020</u>	<u>4</u>
<u>Block: 540919648002021</u>	<u>0</u>
<u>Block: 540919648002022</u>	<u>0</u>
<u>Block: 540919648002023</u>	<u>0</u>
<u>BlockGroup 540919648002 Subtotal</u>	<u>182</u>
<u>BlockGroup: 540919648003</u>	<u>1077</u>
<u>BlockGroup: 540919648004</u>	
<u>Block: 540919648004000</u>	<u>0</u>
<u>Block: 540919648004001</u>	<u>0</u>
<u>Block: 540919648004002</u>	<u>0</u>
<u>Block: 540919648004003</u>	<u>57</u>

<u>Block: 540919648004005</u>	<u>2</u>
<u>Block: 540919648004006</u>	<u>24</u>
<u>Block: 540919648004008</u>	<u>137</u>
<u>Block: 540919648004009</u>	<u>7</u>
<u>Block: 540919648004010</u>	<u>28</u>
<u>Block: 540919648004011</u>	<u>0</u>
<u>BlockGroup 540919648004 Subtotal</u>	<u>255</u>
<u>BlockGroup: 540919648005</u>	<u>1363</u>
<u>Tract 9648 Subtotal</u>	<u>3488</u>
<u>County Taylor WV Subtotal</u>	<u>8295</u>
<u>District 12 Total</u>	<u>104886</u>

(13) The thirteenth senatorial district consists of the following counties, tracts, block groups, and blocks, together with their respective populations from the 2020 federal decennial census:

The following areas of Marion County:

~~Voting district: 1~~

~~Voting district: 100~~

~~Voting district: 101~~

~~Voting district: 102~~

~~Voting district: 104~~

~~Voting district: 111~~

~~Voting district: 112~~

~~Voting district: 113~~

~~Voting district: 114~~

~~Voting district: 115~~

~~Voting district: 116~~

~~Voting district: 117~~

~~Voting district: 118~~

~~Voting district: 119~~

~~Voting district: 120~~

~~Voting district: 121~~

~~Voting district: 122~~

~~Voting district: 123~~

~~Voting district: 124~~

~~Voting district: 125~~

~~Voting district: 13~~

~~Voting district: 16~~

~~Voting district: 18~~

~~Voting district: 2~~

~~Voting district: 20~~

~~Voting district: 27~~

~~Voting district: 28~~

~~Voting district: 29~~

~~Voting district: 30~~

~~Voting district: 31~~

~~Voting district: 32~~

~~Voting district: 33~~

~~Voting district: 34~~

~~Voting district: 35~~

~~Voting district: 36~~

~~Voting district: 38~~

~~Voting district: 39~~

~~Voting district: 40~~

~~Voting district: 41~~

~~Voting district: 42~~

~~Voting district: 43~~

~~Voting district: 44~~

~~Voting district: 45~~

~~Voting district: 47~~

~~Voting district: 48~~

~~Voting district: 5~~

~~Voting district: 50~~

~~Voting district: 51~~

~~Voting district: 52~~

~~Voting district: 55~~

~~The following blocks of voting district 56:~~

~~Block: 540490204001017~~

Block: 540490204001018

Block: 540490204001019

Block: 540490204001051

Block: 540490213002000

Block: 540490213002002

Block: 540490213002003

Block: 540490213002004

Block: 540490213002005

Block: 540490213002006

Block: 540490213002009

Block: 540490213002010

Block: 540490213002023

Block: 540490214002002

Block: 540490214002003

Block: 540490214002004

Block: 540490214002008

Block: 540490214002009

Block: 540490214002010

Block: 540490214002012

Block: 540490214002030

Block: 540490214002031

Block: 540490214002035

~~Block: 540490214002036~~

~~Block: 540490214002038~~

~~Block: 540490214002041~~

~~Block: 540490214002042~~

~~Block: 540490214002043~~

~~Block: 540490214002044~~

~~Block: 540490214002045~~

~~Block: 540490214002046~~

~~Block: 540490214002047~~

~~Block: 540490216001069~~

~~Block: 540490216001072~~

~~Block: 540490216004026~~

~~Block: 540490216004027~~

~~Block: 540490216004028~~

~~Block: 540490216004036~~

~~Block: 540490216004049~~

~~Block: 540490216004054~~

~~Block: 540490216004055~~

~~Voting district: 57~~

~~Voting district: 6~~

~~Voting district: 7~~

~~Voting district: 82~~

~~Voting district: 83~~

~~Voting district: 92~~

~~Voting district: 96~~

~~Voting district: 98~~

The following areas of Monongalia County:

~~Voting district: 1~~

~~Voting district: 10~~

~~Voting district: 12~~

~~Voting district: 13~~

~~Voting district: 14~~

~~Voting district: 15~~

~~Voting district: 16~~

~~Voting district: 17~~

~~Voting district: 18~~

~~Voting district: 2~~

~~Voting district: 20~~

~~Voting district: 21~~

~~Voting district: 22~~

~~Voting district: 23~~

~~Voting district: 24~~

~~Voting district: 25~~

~~Voting district: 26~~

~~Voting district: 27~~

~~Voting district: 28~~

~~Voting district: 29~~

~~Voting district: 3~~

~~Voting district: 30~~

~~Voting district: 31~~

~~Voting district: 32~~

~~Voting district: 35~~

~~Voting district: 36A~~

~~Voting district: 36B~~

~~The following block of voting district 38:~~

~~Block: 540610118062023~~

~~Voting district: 39~~

~~Voting district: 4~~

~~Voting district: 48~~

~~Voting district: 5~~

~~Voting district: 59~~

~~Voting district: 6~~

~~The following blocks of voting district 60:~~

~~Block: 540610110003031~~

~~Block: 540610110003114~~

~~Block: 540610110003115~~

Block: 540610110003116

Block: 540610110003121

Block: 540610110003122

Block: 540610111001089

Block: 540610113001062

Block: 540610113001063

Block: 540610113002014

Block: 540610113002026

Block: 540610113002035

Block: 540610119003000

Block: 540610119003001

Block: 540610119003002

Block: 540610119003003

Block: 540610119003004

Block: 540610119003005

Block: 540610119003006

Block: 540610119003007

Block: 540610119003008

Block: 540610119003010

Block: 540610119003012

Block: 540610119003013

Block: 540610119003070

Block: 540610119003071

Block: 540610119003072

Block: 540610119003073

Block: 540610119003074

Block: 540610119003075

Block: 540610119003078

Block: 540610119003085

Block: 540610119003086

Block: 540610119003087

The following blocks of voting district 63:

Block: 540610110003117

Block: 540610110003118

Block: 540610118042000

Block: 540610118042001

Block: 540610118042029

Block: 540610118042030

Block: 540610118042031

~~Voting district: 64~~

~~Voting district: 67~~

~~Voting district: 68~~

~~Voting district: 69~~

~~Voting district: 7~~

~~Voting district: 70~~

~~Voting district: 71~~

~~Voting district: 72~~

~~Voting district: 73~~

~~Voting district: 74~~

~~Voting district: 75~~

~~Voting district: 76~~

~~Voting district: 77~~

~~Voting district: 78~~

The following blocks of voting district 79:

~~Block: 540610117001011~~

~~Block: 540610117001013~~

~~Block: 540610117001014~~

~~Block: 540610117001015~~

~~Block: 540610117001016~~

~~Block: 540610117001017~~

~~Block: 540610117001018~~

~~Block: 540610117001019~~

~~Block: 540610117001021~~

~~Block: 540610117001022~~

~~Block: 540610117001023~~

~~Block: 540610117003000~~

Block: 540610117003001

Block: 540610117003002

Block: 540610117003004

Block: 540610117003005

Block: 540610117003006

Block: 540610117003007

Block: 540610117003008

Block: 540610117003009

Block: 540610117003010

Block: 540610117003011

Block: 540610117003012

Block: 540610117003013

Block: 540610117003014

Block: 540610117003015

Block: 540610117003016

Block: 540610117003017

Block: 540610117003018

Block: 540610117003019

Block: 540610117003020

Block: 540610117003021

Block: 540610117003022

Block: 540610117003023

Block: 540610117003024

Block: 540610117003025

Block: 540610117003026

Block: 540610117003027

Block: 540610117003028

Block: 540610117003029

Block: 540610117003030

Block: 540610117003031

Block: 540610117004067

Block: 540610117004068

Block: 540610117004069

Block: 540610117004070

Block: 540610117004071

Block: 540610117004072

Block: 540610117004073

Block: 540610117004074

Block: 540610117004075

Block: 540610117004076

Block: 540610117004077

Block: 540610117004078

Block: 540610117004079

Block: 540610117004080

~~Block: 540610117004081~~

~~Block: 540610117004086~~

~~Block: 540610117004087~~

~~Block: 540610117004088~~

~~Block: 540610117004089~~

~~Block: 540610117004090~~

~~Block: 540610117004094~~

~~Block: 540610117004095~~

~~Block: 540610117004096~~

~~Block: 540610117004098~~

~~Voting district: 8~~

~~Voting district: 80~~

~~The following blocks of voting district 82:~~

~~Block: 540610117004000~~

~~Block: 540610117004001~~

~~Block: 540610117004002~~

~~Block: 540610117004003~~

~~Block: 540610117004004~~

~~Block: 540610117004040~~

~~Block: 540610117004041~~

~~Block: 540610117004042~~

~~Block: 540610117004043~~

Block: 540610117004044

Block: 540610117004045

Block: 540610117004046

Block: 540610117004061

Block: 540610117004062

Block: 540610117004063

Block: 540610117004064

Block: 540610117004065

Block: 540610117004066

Voting district: 83

The following blocks of voting district 84:

Block: 540610106003000

Block: 540610106003001

Block: 540610106003002

Block: 540610106003006

Block: 540610106004003

Block: 540610106004004

Block: 540610106004005

Block: 540610106004007

Block: 540610106004020

Block: 540610106004042

Block: 540610116002017

Block: 540610116002018

Block: 540610116002019

Block: 540610116002020

Block: 540610116002021

Block: 540610116002022

Block: 540610116002023

Block: 540610116002024

Block: 540610116002026

Block: 540610116002027

Block: 540610116002028

Block: 540610116002029

Block: 540610116002030

Block: 540610116002031

Block: 540610116002032

Block: 540610116002040

Block: 540610116002041

Block: 540610116002042

Block: 540610116002043

Block: 540610116002044

Block: 540610116002045

Block: 540610116002046

Block: 540610116002047

~~Block: 540610116002048~~

~~Block: 540610116002049~~

~~Voting district: 85~~

~~Voting district: 86~~

~~Voting district: 87~~

~~Voting district: 88~~

~~Voting district: 9~~

~~Voting district: 90~~

~~Voting district: 92~~

District 13

County: Marion WV (part)

Tract: 201 1051

Tract: 202 (part)

BlockGroup: 540490202001

Block: 540490202001002 0

Block: 540490202001003 67

Block: 540490202001004 18

Block: 540490202001005 65

Block: 540490202001006 33

Block: 540490202001007 9

Block: 540490202001008 21

Block: 540490202001009 147

Block: 540490202001010	29
Block: 540490202001011	59
Block: 540490202001012	22
Block: 540490202001013	9
Block: 540490202001014	66
Block: 540490202001015	17
Block: 540490202001016	25
Block: 540490202001017	16
BlockGroup 540490202001 Subtotal	603
BlockGroup: 540490202002	702
BlockGroup: 540490202003	676
BlockGroup: 540490202004	1024
Tract 202 Subtotal	3005
Tract: 203 (part)	
BlockGroup: 540490203001	570
BlockGroup: 540490203002	675
BlockGroup: 540490203003	
Block: 540490203003000	51
Block: 540490203003001	285
Block: 540490203003002	40
Block: 540490203003003	21
Block: 540490203003004	45

<u>Block: 540490203003005</u>	<u>42</u>
<u>Block: 540490203003017</u>	<u>0</u>
<u>Block: 540490203003018</u>	<u>0</u>
<u>Block: 540490203003019</u>	<u>42</u>
<u>BlockGroup 540490203003 Subtotal</u>	<u>526</u>
<u>BlockGroup: 540490203004</u>	<u>768</u>
<u>BlockGroup: 540490203005</u>	<u>767</u>
<u>Tract 203 Subtotal</u>	<u>3306</u>
<u>Tract: 204 (part)</u>	
<u>BlockGroup: 540490204001</u>	
<u>Block: 540490204001000</u>	<u>173</u>
<u>Block: 540490204001001</u>	<u>63</u>
<u>Block: 540490204001002</u>	<u>11</u>
<u>Block: 540490204001003</u>	<u>305</u>
<u>Block: 540490204001006</u>	<u>48</u>
<u>Block: 540490204001007</u>	<u>6</u>
<u>Block: 540490204001008</u>	<u>8</u>
<u>Block: 540490204001009</u>	<u>12</u>
<u>Block: 540490204001010</u>	<u>91</u>
<u>Block: 540490204001012</u>	<u>8</u>
<u>Block: 540490204001020</u>	<u>73</u>
<u>BlockGroup 540490204001 Subtotal</u>	<u>798</u>

<u>Tract 204 Subtotal</u>	<u>798</u>
<u>Tract: 205 (part)</u>	
<u>BlockGroup: 540490205001</u>	
<u>Block: 540490205001001</u>	<u>44</u>
<u>Block: 540490205001002</u>	<u>10</u>
<u>Block: 540490205001003</u>	<u>130</u>
<u>Block: 540490205001004</u>	<u>0</u>
<u>Block: 540490205001005</u>	<u>12</u>
<u>Block: 540490205001006</u>	<u>0</u>
<u>Block: 540490205001007</u>	<u>14</u>
<u>Block: 540490205001008</u>	<u>3</u>
<u>Block: 540490205001009</u>	<u>0</u>
<u>Block: 540490205001010</u>	<u>10</u>
<u>Block: 540490205001011</u>	<u>3</u>
<u>Block: 540490205001012</u>	<u>11</u>
<u>Block: 540490205001013</u>	<u>87</u>
<u>Block: 540490205001014</u>	<u>6</u>
<u>Block: 540490205001015</u>	<u>8</u>
<u>Block: 540490205001016</u>	<u>9</u>
<u>Block: 540490205001017</u>	<u>73</u>
<u>Block: 540490205001018</u>	<u>14</u>
<u>Block: 540490205001019</u>	<u>31</u>

Block: 540490205001020	39
Block: 540490205001021	7
Block: 540490205001022	0
Block: 540490205001023	10
Block: 540490205001024	2
Block: 540490205001025	1
Block: 540490205001026	13
Block: 540490205001027	13
Block: 540490205001028	16
Block: 540490205001029	10
Block: 540490205001030	0
Block: 540490205001031	37
Block: 540490205001032	9
Block: 540490205001033	10
Block: 540490205001034	56
BlockGroup 540490205001 Subtotal	688
BlockGroup: 540490205002	719
BlockGroup: 540490205003	
Block: 540490205003002	0
Block: 540490205003003	0
Block: 540490205003012	0
Block: 540490205003013	131

Block: 540490205003014	124
Block: 540490205003015	68
BlockGroup 540490205003 Subtotal	323
Tract 205 Subtotal	1730
Tract: 206 (part)	
BlockGroup: 540490206001	967
BlockGroup: 540490206002	
Block: 540490206002005	19
Block: 540490206002006	19
Block: 540490206002010	0
Block: 540490206002011	227
Block: 540490206002012	54
Block: 540490206002013	32
BlockGroup 540490206002 Subtotal	351
Tract 206 Subtotal	1318
Tract: 207	3901
Tract: 208	3241
Tract: 209	4257
Tract: 210.01	3190
Tract: 210.02	2124
Tract: 211	2588
Tract: 212.01	3557

Tract: 212.02 (part)BlockGroup: 540490212021

<u>Block: 540490212021000</u>	<u>0</u>
<u>Block: 540490212021001</u>	<u>0</u>
<u>Block: 540490212021002</u>	<u>0</u>
<u>Block: 540490212021005</u>	<u>23</u>
<u>Block: 540490212021009</u>	<u>46</u>
<u>Block: 540490212021010</u>	<u>4</u>
<u>Block: 540490212021011</u>	<u>171</u>
<u>Block: 540490212021012</u>	<u>0</u>
<u>Block: 540490212021013</u>	<u>13</u>
<u>Block: 540490212021014</u>	<u>126</u>
<u>Block: 540490212021015</u>	<u>5</u>
<u>Block: 540490212021016</u>	<u>8</u>
<u>Block: 540490212021017</u>	<u>0</u>
<u>Block: 540490212021018</u>	<u>44</u>
<u>Block: 540490212021019</u>	<u>9</u>
<u>Block: 540490212021020</u>	<u>18</u>
<u>Block: 540490212021021</u>	<u>0</u>
<u>Block: 540490212021022</u>	<u>0</u>
<u>Block: 540490212021023</u>	<u>31</u>
<u>Block: 540490212021024</u>	<u>16</u>

<u>Block: 540490212021025</u>	<u>3</u>
<u>Block: 540490212021026</u>	<u>0</u>
<u>Block: 540490212021027</u>	<u>10</u>
<u>Block: 540490212021028</u>	<u>0</u>
<u>Block: 540490212021029</u>	<u>0</u>
<u>Block: 540490212021030</u>	<u>0</u>
<u>Block: 540490212021031</u>	<u>13</u>
<u>Block: 540490212021032</u>	<u>20</u>
<u>Block: 540490212021033</u>	<u>35</u>
<u>Block: 540490212021035</u>	<u>0</u>
<u>Block: 540490212021036</u>	<u>0</u>
<u>Block: 540490212021037</u>	<u>21</u>
<u>Block: 540490212021038</u>	<u>38</u>
<u>Block: 540490212021039</u>	<u>24</u>
<u>Block: 540490212021040</u>	<u>16</u>
<u>Block: 540490212021041</u>	<u>18</u>
<u>Block: 540490212021042</u>	<u>11</u>
<u>Block: 540490212021043</u>	<u>17</u>
<u>Block: 540490212021044</u>	<u>9</u>
<u>Block: 540490212021045</u>	<u>14</u>
<u>Block: 540490212021046</u>	<u>10</u>
<u>BlockGroup 540490212021 Subtotal</u>	<u>773</u>

<u>BlockGroup: 540490212022</u>	
<u>Block: 540490212022000</u>	<u>0</u>
<u>Block: 540490212022001</u>	<u>0</u>
<u>Block: 540490212022002</u>	<u>0</u>
<u>Block: 540490212022003</u>	<u>73</u>
<u>Block: 540490212022004</u>	<u>0</u>
<u>Block: 540490212022005</u>	<u>0</u>
<u>Block: 540490212022006</u>	<u>8</u>
<u>Block: 540490212022007</u>	<u>5</u>
<u>Block: 540490212022008</u>	<u>0</u>
<u>Block: 540490212022009</u>	<u>0</u>
<u>Block: 540490212022010</u>	<u>0</u>
<u>Block: 540490212022011</u>	<u>5</u>
<u>Block: 540490212022012</u>	<u>0</u>
<u>Block: 540490212022013</u>	<u>4</u>
<u>Block: 540490212022014</u>	<u>0</u>
<u>Block: 540490212022015</u>	<u>0</u>
<u>Block: 540490212022016</u>	<u>0</u>
<u>Block: 540490212022017</u>	<u>19</u>
<u>Block: 540490212022018</u>	<u>0</u>
<u>Block: 540490212022019</u>	<u>9</u>
<u>Block: 540490212022020</u>	<u>26</u>

<u>Block: 540490212022021</u>	<u>0</u>
<u>Block: 540490212022022</u>	<u>0</u>
<u>Block: 540490212022023</u>	<u>2</u>
<u>Block: 540490212022024</u>	<u>0</u>
<u>Block: 540490212022025</u>	<u>0</u>
<u>Block: 540490212022029</u>	<u>132</u>
<u>Block: 540490212022030</u>	<u>0</u>
<u>Block: 540490212022031</u>	<u>0</u>
<u>Block: 540490212022033</u>	<u>0</u>
<u>Block: 540490212022034</u>	<u>51</u>
<u>Block: 540490212022035</u>	<u>0</u>
<u>Block: 540490212022053</u>	<u>0</u>
<u>Block: 540490212022054</u>	<u>0</u>
<u>Block: 540490212022055</u>	<u>0</u>
<u>Block: 540490212022056</u>	<u>4</u>
<u>Block: 540490212022057</u>	<u>4</u>
<u>Block: 540490212022060</u>	<u>0</u>
<u>Block: 540490212022061</u>	<u>0</u>
<u>Block: 540490212022062</u>	<u>3</u>
<u>Block: 540490212022063</u>	<u>18</u>
<u>Block: 540490212022066</u>	<u>0</u>
<u>Block: 540490212022081</u>	<u>17</u>

<u>Block: 540490212022082</u>	<u>5</u>	
<u>Block: 540490212022083</u>	<u>0</u>	
<u>Block: 540490212022084</u>	<u>0</u>	
<u>Block: 540490212022085</u>	<u>10</u>	
<u>Block: 540490212022086</u>	<u>7</u>	
<u>Block: 540490212022087</u>	<u>0</u>	
<u>Block: 540490212022088</u>	<u>0</u>	
<u>Block: 540490212022103</u>	<u>0</u>	
<u>Block: 540490212022104</u>	<u>0</u>	
<u>Block: 540490212022105</u>	<u>0</u>	
<u>Block: 540490212022106</u>	<u>0</u>	
<u>BlockGroup 540490212022 Subtotal</u>		<u>402</u>
<u>Tract 212.02 Subtotal</u>		<u>1175</u>
<u>Tract: 213 (part)</u>		
<u>BlockGroup: 540490213003</u>		
<u>Block: 540490213003005</u>	<u>29</u>	
<u>Block: 540490213003006</u>	<u>23</u>	
<u>Block: 540490213003010</u>	<u>0</u>	
<u>Block: 540490213003012</u>	<u>58</u>	
<u>Block: 540490213003013</u>	<u>0</u>	
<u>Block: 540490213003014</u>	<u>59</u>	
<u>Block: 540490213003015</u>	<u>10</u>	

<u>Block: 540490213003016</u>	<u>17</u>
<u>Block: 540490213003017</u>	<u>86</u>
<u>Block: 540490213003018</u>	<u>10</u>
<u>Block: 540490213003019</u>	<u>32</u>
<u>Block: 540490213003020</u>	<u>24</u>
<u>Block: 540490213003021</u>	<u>10</u>
<u>Block: 540490213003022</u>	<u>15</u>
<u>Block: 540490213003023</u>	<u>102</u>
<u>Block: 540490213003027</u>	<u>0</u>
<u>Block: 540490213003031</u>	<u>0</u>
<u>Block: 540490213003032</u>	<u>23</u>
<u>Block: 540490213003033</u>	<u>20</u>
<u>Block: 540490213003034</u>	<u>13</u>
<u>Block: 540490213003037</u>	<u>14</u>
<u>Block: 540490213003038</u>	<u>0</u>
<u>Block: 540490213003039</u>	<u>0</u>
<u>Block: 540490213003040</u>	<u>0</u>
<u>BlockGroup 540490213003 Subtotal</u>	<u>545</u>
<u>Tract 213 Subtotal</u>	<u>545</u>
<u>Tract: 215 (part)</u>	
<u>BlockGroup: 540490215001</u>	<u>967</u>
<u>BlockGroup: 540490215002</u>	

<u>Block: 540490215002006</u>	<u>0</u>
<u>Block: 540490215002007</u>	<u>0</u>
<u>Block: 540490215002008</u>	<u>52</u>
<u>Block: 540490215002009</u>	<u>17</u>
<u>Block: 540490215002010</u>	<u>1</u>
<u>Block: 540490215002011</u>	<u>11</u>
<u>Block: 540490215002013</u>	<u>9</u>
<u>Block: 540490215002014</u>	<u>13</u>
<u>Block: 540490215002024</u>	<u>14</u>
<u>Block: 540490215002025</u>	<u>6</u>
<u>Block: 540490215002026</u>	<u>0</u>
<u>Block: 540490215002027</u>	<u>0</u>
<u>Block: 540490215002028</u>	<u>0</u>
<u>Block: 540490215002029</u>	<u>0</u>
<u>Block: 540490215002030</u>	<u>0</u>
<u>Block: 540490215002031</u>	<u>0</u>
<u>Block: 540490215002032</u>	<u>0</u>
<u>Block: 540490215002033</u>	<u>0</u>
<u>Block: 540490215002034</u>	<u>0</u>
<u>Block: 540490215002035</u>	<u>6</u>
<u>Block: 540490215002036</u>	<u>4</u>
<u>Block: 540490215002037</u>	<u>8</u>

Block: 540490215002038	20
Block: 540490215002039	0
Block: 540490215002040	2
Block: 540490215002041	0
Block: 540490215002042	0
BlockGroup 540490215002 Subtotal	163
BlockGroup: 540490215004	
Block: 540490215004032	0
Block: 540490215004033	4
BlockGroup 540490215004 Subtotal	4
Tract 215 Subtotal	1134
County Marion WV Subtotal	36920
County: Monongalia WV (part)	
Tract: 101.01	1471
Tract: 101.03	3355
Tract: 101.04	2967
Tract: 102.02	4519
Tract: 102.03	3235
Tract: 102.04	2720
Tract: 104	3825
Tract: 106.01	4199
Tract: 106.02	2221

<u>Tract: 107</u>	<u>3682</u>
<u>Tract: 108 (part)</u>	
<u>BlockGroup: 540610108001</u>	
<u>Block: 540610108001001</u>	<u>0</u>
<u>Block: 540610108001002</u>	<u>21</u>
<u>Block: 540610108001003</u>	<u>91</u>
<u>Block: 540610108001004</u>	<u>0</u>
<u>Block: 540610108001005</u>	<u>114</u>
<u>Block: 540610108001006</u>	<u>0</u>
<u>Block: 540610108001007</u>	<u>661</u>
<u>Block: 540610108001008</u>	<u>21</u>
<u>Block: 540610108001009</u>	<u>158</u>
<u>Block: 540610108001010</u>	<u>109</u>
<u>Block: 540610108001011</u>	<u>27</u>
<u>Block: 540610108001012</u>	<u>11</u>
<u>Block: 540610108001013</u>	<u>0</u>
<u>BlockGroup 540610108001 Subtotal</u>	<u>1213</u>
<u>BlockGroup: 540610108002</u>	
<u>Block: 540610108002017</u>	<u>192</u>
<u>Block: 540610108002018</u>	<u>0</u>
<u>Block: 540610108002019</u>	<u>6</u>
<u>Block: 540610108002020</u>	<u>0</u>

Block: 540610108002021	6
Block: 540610108002022	53
Block: 540610108002023	43
Block: 540610108002024	8
BlockGroup 540610108002 Subtotal	308
BlockGroup: 540610108004	635
Tract 108 Subtotal	2156
Tract: 109.01	2884
Tract: 109.02	3323
Tract: 110	4106
Tract: 111	2918
Tract: 112	2992
Tract: 113 (part)	
BlockGroup: 540610113001	
Block: 540610113001000	0
Block: 540610113001001	0
Block: 540610113001002	0
Block: 540610113001003	11
Block: 540610113001004	94
Block: 540610113001005	53
Block: 540610113001006	0
BlockGroup 540610113001 Subtotal	158

<u>BlockGroup: 540610113003</u>	
<u>Block: 540610113003000</u>	<u>0</u>
<u>Block: 540610113003001</u>	<u>5</u>
<u>Block: 540610113003002</u>	<u>15</u>
<u>Block: 540610113003003</u>	<u>0</u>
<u>Block: 540610113003004</u>	<u>0</u>
<u>Block: 540610113003005</u>	<u>0</u>
<u>Block: 540610113003006</u>	<u>0</u>
<u>Block: 540610113003007</u>	<u>0</u>
<u>Block: 540610113003008</u>	<u>117</u>
<u>Block: 540610113003009</u>	<u>15</u>
<u>Block: 540610113003010</u>	<u>9</u>
<u>Block: 540610113003011</u>	<u>6</u>
<u>Block: 540610113003012</u>	<u>8</u>
<u>Block: 540610113003013</u>	<u>4</u>
<u>Block: 540610113003014</u>	<u>9</u>
<u>Block: 540610113003015</u>	<u>8</u>
<u>Block: 540610113003016</u>	<u>0</u>
<u>Block: 540610113003025</u>	<u>4</u>
<u>Block: 540610113003026</u>	<u>8</u>
<u>Block: 540610113003027</u>	<u>33</u>
<u>Block: 540610113003028</u>	<u>2</u>

<u>Block: 540610113003029</u>	<u>9</u>
<u>Block: 540610113003030</u>	<u>0</u>
<u>Block: 540610113003031</u>	<u>0</u>
<u>Block: 540610113003032</u>	<u>27</u>
<u>Block: 540610113003033</u>	<u>69</u>
<u>Block: 540610113003034</u>	<u>4</u>
<u>Block: 540610113003035</u>	<u>30</u>
<u>Block: 540610113003036</u>	<u>7</u>
<u>Block: 540610113003039</u>	<u>31</u>
<u>Block: 540610113003040</u>	<u>35</u>
<u>BlockGroup 540610113003 Subtotal</u>	<u>455</u>
<u>Tract 113 Subtotal</u>	<u>613</u>
<u>Tract: 115 (part)</u>	
<u>BlockGroup: 540610115001</u>	
<u>Block: 540610115001022</u>	<u>0</u>
<u>Block: 540610115001023</u>	<u>0</u>
<u>Block: 540610115001024</u>	<u>5</u>
<u>Block: 540610115001035</u>	<u>0</u>
<u>BlockGroup 540610115001 Subtotal</u>	<u>5</u>
<u>BlockGroup: 540610115005</u>	
<u>Block: 540610115005023</u>	<u>1</u>
<u>Block: 540610115005024</u>	<u>5</u>

<u>Block: 540610115005029</u>	<u>0</u>
<u>Block: 540610115005030</u>	<u>0</u>
<u>Block: 540610115005035</u>	<u>3</u>
<u>Block: 540610115005036</u>	<u>28</u>
<u>Block: 540610115005037</u>	<u>12</u>
<u>Block: 540610115005038</u>	<u>20</u>
<u>Block: 540610115005040</u>	<u>13</u>
<u>Block: 540610115005042</u>	<u>5</u>
<u>BlockGroup 540610115005 Subtotal</u>	<u>87</u>
<u>Tract 115 Subtotal</u>	<u>92</u>
<u>Tract: 116.02 (part)</u>	
<u>BlockGroup: 540610116021</u>	
<u>Block: 540610116021001</u>	<u>290</u>
<u>Block: 540610116021002</u>	<u>5</u>
<u>Block: 540610116021003</u>	<u>0</u>
<u>Block: 540610116021004</u>	<u>488</u>
<u>Block: 540610116021005</u>	<u>11</u>
<u>Block: 540610116021006</u>	<u>30</u>
<u>Block: 540610116021007</u>	<u>17</u>
<u>Block: 540610116021008</u>	<u>29</u>
<u>Block: 540610116021010</u>	<u>0</u>
<u>Block: 540610116021011</u>	<u>11</u>

<u>Block: 540610116021012</u>	<u>5</u>
<u>Block: 540610116021013</u>	<u>0</u>
<u>Block: 540610116021014</u>	<u>12</u>
<u>Block: 540610116021015</u>	<u>9</u>
<u>Block: 540610116021016</u>	<u>12</u>
<u>Block: 540610116021017</u>	<u>0</u>
<u>Block: 540610116021018</u>	<u>12</u>
<u>Block: 540610116021019</u>	<u>5</u>
<u>Block: 540610116021020</u>	<u>0</u>
<u>Block: 540610116021021</u>	<u>0</u>
<u>Block: 540610116021022</u>	<u>0</u>
<u>Block: 540610116021023</u>	<u>0</u>
<u>BlockGroup 540610116021 Subtotal</u>	<u>936</u>
<u>Tract 116.02 Subtotal</u>	<u>936</u>
<u>Tract: 118.03</u>	<u>3905</u>
<u>Tract: 118.04</u>	<u>4527</u>
<u>Tract: 118.05 (part)</u>	
<u>BlockGroup: 540610118051</u>	
<u>Block: 540610118051000</u>	<u>275</u>
<u>Block: 540610118051001</u>	<u>23</u>
<u>Block: 540610118051002</u>	<u>2</u>
<u>Block: 540610118051007</u>	<u>112</u>

<u>Block: 540610118051008</u>	<u>116</u>
<u>Block: 540610118051009</u>	<u>0</u>
<u>Block: 540610118051010</u>	<u>64</u>
<u>BlockGroup 540610118051 Subtotal</u>	<u>592</u>
<u>BlockGroup: 540610118052</u>	<u>1501</u>
<u>BlockGroup: 540610118053</u>	<u>999</u>
<u>BlockGroup: 540610118054</u>	<u>836</u>
<u>Tract 118.05 Subtotal</u>	<u>3928</u>
<u>Tract: 118.06 (part)</u>	
<u>BlockGroup: 540610118061</u>	
<u>Block: 540610118061013</u>	<u>126</u>
<u>Block: 540610118061014</u>	<u>37</u>
<u>Block: 540610118061015</u>	<u>60</u>
<u>Block: 540610118061016</u>	<u>24</u>
<u>Block: 540610118061018</u>	<u>24</u>
<u>Block: 540610118061019</u>	<u>0</u>
<u>Block: 540610118061020</u>	<u>43</u>
<u>Block: 540610118061021</u>	<u>27</u>
<u>Block: 540610118061022</u>	<u>21</u>
<u>Block: 540610118061023</u>	<u>0</u>
<u>Block: 540610118061026</u>	<u>57</u>
<u>BlockGroup 540610118061 Subtotal</u>	<u>419</u>

<u>Tract 118.06 Subtotal</u>	<u>419</u>
<u>Tract: 119 (part)</u>	
<u>BlockGroup: 540610119001</u>	<u>1638</u>
<u>BlockGroup: 540610119002</u>	<u>1240</u>
<u>Tract 119 Subtotal</u>	<u>2878</u>
<u>Tract: 120</u>	<u>5238</u>
<u>County Monongalia WV Subtotal</u>	<u>73109</u>
<u>District 13 Total</u>	<u>110029</u>

(14) The fourteenth senatorial district consists of the following counties, tracts, block groups, and blocks, together with their respective populations from the 2020 federal decennial census:

~~Barbour County~~

~~The following areas of Grant County:~~

~~Voting district: 10~~

~~The following blocks of voting district 11:~~

~~Block: 540239694001064~~

~~Block: 540239694001067~~

~~Block: 540239694001068~~

~~Block: 540239694001072~~

~~Block: 540239694001073~~

~~Block: 540239694001074~~

~~Block: 540239694001075~~

~~Block: 540239694001076~~

Block: 540239694001077

Block: 540239694001078

Block: 540239694001095

Block: 540239694001108

Block: 540239694001109

Block: 540239694001110

Block: 540239694001111

Block: 540239694001114

Block: 540239694001115

Block: 540239694001116

Block: 540239694001117

Block: 540239694001118

Block: 540239694001119

Block: 540239694001120

Block: 540239694001121

Block: 540239694001126

Block: 540239694001127

Block: 540239694001128

Block: 540239694001129

Block: 540239694001130

Block: 540239694001131

Block: 540239694001133

~~Block: 540239694001135~~

~~Block: 540239695001000~~

~~Block: 540239695001001~~

~~Block: 540239695001002~~

~~Block: 540239695001003~~

~~Block: 540239695001004~~

~~Block: 540239695001007~~

~~Block: 540239695001035~~

~~Block: 540239695001036~~

~~Block: 540239695001037~~

~~Block: 540239695001038~~

~~Block: 540239695001039~~

~~Block: 540239695001040~~

~~Voting district: 13~~

~~Voting district: 14~~

~~Voting district: 15~~

~~Voting district: 9~~

Hardy County

The following areas of Mineral County:

~~Voting district: 16~~

~~Voting district: 17~~

~~Voting district: 18~~

~~Voting district: 19~~

~~Voting district: 20~~

~~Voting district: 21~~

~~Voting district: 22~~

~~Voting district: 23~~

~~Voting district: 24~~

~~Voting district: 25~~

The following blocks of voting district 26:

~~Block: 540570105001015~~

~~Block: 540570105001019~~

~~Block: 540570105002075~~

~~Block: 540570105003000~~

~~Block: 540570105003007~~

~~Block: 540570105003008~~

~~Block: 540570105003009~~

~~Block: 540570105003010~~

~~Block: 540570105003011~~

~~Block: 540570105003012~~

~~Block: 540570105003013~~

~~Block: 540570105003014~~

~~Block: 540570105003015~~

~~Block: 540570105003016~~

~~Block: 540570105003041~~

~~Block: 540570105003043~~

~~Block: 540570105003090~~

~~Block: 540570105003092~~

~~The following block of voting district 27:~~

~~Block: 540570105004006~~

~~The following blocks of voting district 28:~~

~~Block: 540570105004015~~

~~Block: 540570105004048~~

~~Block: 540570105004077~~

~~Block: 540570105004078~~

~~Block: 540570105004081~~

~~Voting district: 29~~

~~Voting district: 3~~

~~Voting district: 30~~

~~Voting district: 33~~

~~Voting district: 6~~

~~Voting district: 8~~

~~The following areas of Monongalia County:~~

~~Voting district: 33~~

~~Voting district: 34~~

~~Voting district: 37~~

The following blocks of voting district 38:

Block: 540610118033011

Block: 540610118033012

Block: 540610118052000

Block: 540610118052001

Block: 540610118052002

Block: 540610118052003

Block: 540610118052004

Block: 540610118052005

Block: 540610118052006

Block: 540610118052007

Block: 540610118052008

Block: 540610118052009

Block: 540610118052010

Block: 540610118052011

Block: 540610118052012

Block: 540610118052018

Block: 540610118052019

Block: 540610118052020

Block: 540610118052021

Block: 540610118052022

Block: 540610118052023

Block: 540610118052024

Block: 540610118052025

Block: 540610118052026

Block: 540610118052027

Block: 540610118052028

Block: 540610118052029

Block: 540610118052030

Block: 540610118052031

Block: 540610118052032

Block: 540610118052033

Block: 540610118052034

Block: 540610118052035

Block: 540610118052036

Block: 540610118052037

Block: 540610118052038

Block: 540610118052039

Block: 540610118052040

Block: 540610118052041

Block: 540610118052042

Block: 540610118052043

Block: 540610118052044

Block: 540610118052045

Block: 540610118052046

Block: 540610118052048

Block: 540610118053000

Block: 540610118053001

Block: 540610118053002

Block: 540610118053003

Block: 540610118053004

Block: 540610118053005

Block: 540610118053006

Block: 540610118053007

Block: 540610118054000

Block: 540610118054001

Block: 540610118054002

Block: 540610118054003

Block: 540610118054004

Block: 540610118054005

Block: 540610118054006

Block: 540610118054007

Block: 540610118054008

Block: 540610118054011

Block: 540610118054015

Block: 540610118054016

Block: 540610118054017

Block: 540610118054018

Block: 540610118054019

Block: 540610118054020

Block: 540610118054027

Block: 540610118054028

Block: 540610118054029

Block: 540610118054030

Block: 540610118054031

The following blocks of voting district 60:

Block: 540610110003032

Block: 540610110003033

Block: 540610110003094

Block: 540610110003095

Block: 540610110003096

Block: 540610110003097

Block: 540610110003098

Block: 540610110003099

Block: 540610110003100

Block: 540610110003101

Block: 540610110003102

Block: 540610110003108

Block: 540610110003109

Block: 540610110003111

Block: 540610110003112

Block: 540610110003113

Block: 540610110003124

Block: 540610110003125

Block: 540610118041008

Block: 540610118041009

Block: 540610118041010

Block: 540610118041015

Block: 540610118041019

Block: 540610118041021

Block: 540610118041022

Block: 540610118041023

Block: 540610118042007

Block: 540610118042008

Block: 540610118042009

Block: 540610118042011

Block: 540610119003009

Block: 540610119003068

Block: 540610119003069

Block: 540610119003076

Block: 540610119003077

Block: 540610119003079

~~Voting district: 61~~

~~Voting district: 62~~

~~The following blocks of voting district 63:~~

~~Block: 540610118042032~~

~~Block: 540610118042033~~

~~Block: 540610118042034~~

~~Block: 540610118042035~~

~~Block: 540610118042036~~

~~Block: 540610118042037~~

~~Block: 540610118042038~~

~~Block: 540610118042039~~

~~Block: 540610118042040~~

~~Block: 540610118042041~~

~~Block: 540610118044000~~

~~Block: 540610118044001~~

~~Block: 540610118044002~~

~~Block: 540610118044003~~

~~Block: 540610118044004~~

~~Block: 540610118044005~~

~~Block: 540610118044007~~

Block: 540610118044008

Block: 540610118044009

Block: 540610118044012

Block: 540610118044015

Block: 540610118044016

Block: 540610118044017

Block: 540610118044018

Block: 540610118044019

Block: 540610118044020

Block: 540610118044021

Block: 540610118044022

Block: 540610118044023

~~Preston County~~

~~Taylor County~~

~~Tucker County~~

District 14

County: Grant WV 10976

County: Hardy WV 14299

County: Mineral WV 26938

County: Preston WV 34216

County: Taylor WV (part)

Tract: 9646 4771

Tract: 9648 (part)BlockGroup: 540919648002

<u>Block: 540919648002000</u>	<u>0</u>
<u>Block: 540919648002001</u>	<u>145</u>
<u>Block: 540919648002002</u>	<u>16</u>
<u>Block: 540919648002003</u>	<u>19</u>
<u>Block: 540919648002004</u>	<u>3</u>
<u>Block: 540919648002005</u>	<u>51</u>
<u>Block: 540919648002006</u>	<u>174</u>
<u>Block: 540919648002007</u>	<u>27</u>
<u>Block: 540919648002008</u>	<u>20</u>
<u>Block: 540919648002009</u>	<u>7</u>
<u>Block: 540919648002010</u>	<u>57</u>
<u>Block: 540919648002011</u>	<u>34</u>
<u>Block: 540919648002012</u>	<u>10</u>
<u>Block: 540919648002024</u>	<u>9</u>
<u>Block: 540919648002025</u>	<u>28</u>
<u>Block: 540919648002026</u>	<u>0</u>
<u>BlockGroup 540919648002 Subtotal</u>	<u>600</u>
<u>BlockGroup: 540919648004</u>	
<u>Block: 540919648004004</u>	<u>0</u>
<u>Block: 540919648004007</u>	<u>0</u>

<u>Block: 540919648004012</u>	<u>0</u>
<u>Block: 540919648004013</u>	<u>0</u>
<u>Block: 540919648004014</u>	<u>8</u>
<u>Block: 540919648004015</u>	<u>18</u>
<u>Block: 540919648004016</u>	<u>0</u>
<u>Block: 540919648004017</u>	<u>0</u>
<u>Block: 540919648004018</u>	<u>0</u>
<u>Block: 540919648004019</u>	<u>0</u>
<u>Block: 540919648004020</u>	<u>0</u>
<u>Block: 540919648004021</u>	<u>179</u>
<u>Block: 540919648004022</u>	<u>33</u>
<u>Block: 540919648004023</u>	<u>11</u>
<u>Block: 540919648004024</u>	<u>19</u>
<u>Block: 540919648004025</u>	<u>26</u>
<u>Block: 540919648004026</u>	<u>16</u>
<u>Block: 540919648004027</u>	<u>51</u>
<u>Block: 540919648004028</u>	<u>21</u>
<u>Block: 540919648004029</u>	<u>67</u>
<u>Block: 540919648004030</u>	<u>5</u>
<u>Block: 540919648004031</u>	<u>15</u>
<u>Block: 540919648004032</u>	<u>0</u>
<u>Block: 540919648004033</u>	<u>25</u>

<u>Block: 540919648004034</u>	<u>11</u>
<u>Block: 540919648004035</u>	<u>40</u>
<u>Block: 540919648004036</u>	<u>9</u>
<u>Block: 540919648004037</u>	<u>43</u>
<u>Block: 540919648004038</u>	<u>11</u>
<u>Block: 540919648004039</u>	<u>23</u>
<u>Block: 540919648004040</u>	<u>16</u>
<u>Block: 540919648004041</u>	<u>13</u>
<u>BlockGroup 540919648004 Subtotal</u>	<u>660</u>
<u>Tract 9648 Subtotal</u>	<u>1260</u>
<u>Tract: 9649</u>	<u>2379</u>
<u>County Taylor WV Subtotal</u>	<u>8410</u>
<u>County: Tucker WV</u>	<u>6762</u>
<u>District 14 Total</u>	<u>101601</u>

(15) The fifteenth senatorial district consists of the following counties, tracts, block groups, and blocks, together with their respective populations from the 2020 federal decennial census:

~~The following areas of Berkeley County:~~

~~Voting district: 19~~

~~Voting district: 20~~

~~The following blocks of voting district 21:~~

~~Block: 540039711023000~~

~~Block: 540039711023001~~

Block: 540039711023002

Block: 540039711023003

Block: 540039711023004

Block: 540039711023005

Block: 540039711023006

Block: 540039711023007

Block: 540039711023008

Block: 540039711023009

Block: 540039711023010

Block: 540039711023011

Block: 540039711023012

Block: 540039711023013

Block: 540039711023014

Block: 540039711023015

Block: 540039711023016

Block: 540039711023017

Block: 540039711023018

Block: 540039711023019

Block: 540039711023020

Block: 540039711023021

Block: 540039711023022

Block: 540039711023024

Block: 540039711024000

Block: 540039711024001

Block: 540039711024002

Block: 540039711024003

Block: 540039711024004

Block: 540039711024005

Block: 540039711024006

Block: 540039711024007

Block: 540039711024008

Block: 540039711024009

Block: 540039711024010

Block: 540039711024011

Block: 540039711024012

Block: 540039711024013

Block: 540039711024014

Block: 540039711024015

Block: 540039711024016

Block: 540039711024017

Block: 540039711024018

Block: 540039711024019

Block: 540039711024020

Block: 540039711024021

Block: 540039711024022

Block: 540039711024023

Block: 540039711024024

Block: 540039711025000

Block: 540039711025001

Block: 540039711025002

Block: 540039711025003

Block: 540039711025004

Block: 540039711025005

Block: 540039711025006

Block: 540039711025007

Block: 540039711025008

Block: 540039711025009

Block: 540039711025010

Block: 540039711025011

Block: 540039711025012

Block: 540039711025013

Block: 540039711025014

Block: 540039711025015

Block: 540039711025016

Block: 540039711025017

Block: 540039711025018

Block: 540039711025019

Block: 540039711025020

Block: 540039711025021

Block: 540039711025023

Block: 540039711025024

The following blocks of voting district 22:

Block: 540039712015016

Block: 540039712015018

Block: 540039712015025

Block: 540039719002036

Block: 540039719002037

Block: 540039719002038

The following blocks of voting district 23:

Block: 540039711011018

Block: 540039711011019

Block: 540039711011020

Block: 540039711011021

Block: 540039711011022

Block: 540039711011023

Block: 540039711011024

Block: 540039711011025

Block: 540039711011026

Block: 540039711011027

Block: 540039711011028

Block: 540039711011029

Block: 540039711011030

Block: 540039711011038

Block: 540039711011039

Block: 540039711011040

Block: 540039711011041

Block: 540039711011050

Block: 540039711011051

Block: 540039711011052

Block: 540039711011053

Block: 540039711011054

Block: 540039711011055

Block: 540039711011056

Block: 540039711011057

Block: 540039711011058

Block: 540039711011059

Block: 540039711011060

Block: 540039711012000

Block: 540039711012001

Block: 540039711012002

Block: 540039711012003

Block: 540039711012004

Block: 540039711012005

Block: 540039711012006

Block: 540039711012007

Block: 540039711012008

Block: 540039711012009

Block: 540039711012010

Block: 540039711012011

Block: 540039711012012

Block: 540039711012013

Block: 540039711012014

Block: 540039711012015

Block: 540039711012016

Block: 540039711012017

Block: 540039711012018

Block: 540039711012019

Block: 540039711012020

Block: 540039711012021

Block: 540039711012022

Block: 540039711012023

Block: 540039711012024

Block: 540039711012025

Block: 540039711012026

Block: 540039711012027

Block: 540039711012028

Block: 540039711012029

Block: 540039711012030

Block: 540039711012031

Block: 540039711012032

Block: 540039711012033

Block: 540039711012034

Block: 540039711012035

Block: 540039711012036

Block: 540039711012037

Block: 540039711012038

Block: 540039711012039

Block: 540039711012040

Block: 540039711012041

Block: 540039711012042

Block: 540039711012043

Block: 540039711012044

Block: 540039711012045

Block: 540039711012046

Block: 540039711012047

Block: 540039711012048

Block: 540039711012049

Block: 540039711012050

Block: 540039711012051

Block: 540039711012052

Block: 540039711012053

Block: 540039711012054

Block: 540039711012055

Block: 540039711012056

Block: 540039711012057

Block: 540039711012058

Block: 540039711012059

Block: 540039711012060

Block: 540039711012061

Block: 540039711012062

Block: 540039711012063

Block: 540039711012064

Block: 540039711012065

Block: 540039711012066

Block: 540039711012067

Block: 540039711012068

Block: 540039711012069

Block: 540039711012070

Block: 540039711012071

Block: 540039711012072

Block: 540039711012073

Block: 540039711012074

Block: 540039711012075

Block: 540039711012076

Block: 540039711012077

Block: 540039711012078

Block: 540039711012079

Block: 540039711012080

Block: 540039711012081

Block: 540039711012082

Block: 540039711012083

Block: 540039713002001

Block: 540039713002002

The following blocks of voting district 26:

Block: 540039713002000

Block: 540039713002003

Block: 540039713002004

Block: 540039713002005

Block: 540039713002032

Block: 540039713002033

The following blocks of voting district 31:

Block: 540039719001000

Block: 540039719001001

Block: 540039719001002

Block: 540039719001003

Block: 540039719001004

Block: 540039719001005

Block: 540039719001007

Block: 540039719001008

Block: 540039719001009

Block: 540039719001021

Block: 540039719001022

Block: 540039719001023

Block: 540039719001026

Block: 540039719001027

Block: 540039719001028

Block: 540039719001030

Block: 540039719004006

Block: 540039719004011

Block: 540039719004012

~~Block: 540039719004013~~

~~Block: 540039719004014~~

~~Block: 540039719004015~~

~~Block: 540039719004016~~

~~Block: 540039719004017~~

~~Block: 540039720002016~~

~~Block: 540039720002018~~

~~Block: 540039720002019~~

~~Block: 540039720002021~~

~~Block: 540039720002022~~

~~Block: 540039720002036~~

~~Voting district: 32~~

~~Voting district: 33~~

~~Voting district: 34~~

~~The following blocks of voting district 35:~~

~~Block: 540039720002017~~

~~Block: 540039720002033~~

~~Block: 540039720002039~~

~~Block: 540039720002040~~

~~Block: 540039720002041~~

~~Block: 540039720002042~~

~~Block: 540039720002043~~

Block: 540039720002044

Block: 540039720002045

Block: 540039720002046

Block: 540039720002047

The following blocks of voting district 36:

Block: 540039721012000

Block: 540039721012001

Block: 540039721012014

Block: 540039721012016

Block: 540039721012017

Block: 540039721012018

Block: 540039721012019

Block: 540039721012020

Block: 540039721012021

Block: 540039721012022

Block: 540039721012023

Block: 540039721012024

Block: 540039721012025

Block: 540039721012028

Block: 540039721012029

Block: 540039721012030

Block: 540039721012032

Block: 540039721012037

Block: 540039721012038

Block: 540039721021000

Block: 540039721021001

Block: 540039721021002

Block: 540039721021003

Block: 540039721021004

Block: 540039721021005

Block: 540039721021006

Block: 540039721021007

Block: 540039721021008

Block: 540039721021009

Block: 540039721021010

Block: 540039721021011

Block: 540039721021012

Block: 540039721021013

Block: 540039721021014

Block: 540039721021015

Block: 540039721021016

Block: 540039721021017

Block: 540039721021018

Block: 540039721021019

Block: 540039721021020

Block: 540039721021021

Block: 540039721021022

Block: 540039721023000

Block: 540039721023003

Block: 540039721023004

Block: 540039721023006

Block: 540039721023007

Block: 540039721023008

Block: 540039721023023

Block: 540039721023026

Block: 540039721023031

Block: 540039721023032

Block: 540039721023035

Block: 540039721023037

Block: 540039721023038

Block: 540039721026009

Block: 540039721026016

Block: 540039721026042

Block: 540039721026043

Block: 540039721026044

Block: 540039721026045

Block: 540039721026046

Block: 540039721026047

Block: 540039721026048

Block: 540039721026049

Block: 540039721026050

Block: 540039721026051

Block: 540039721026052

Block: 540039721026053

Block: 540039721026054

Block: 540039721026057

The following blocks of voting district 37:

Block: 540039719004007

Block: 540039719004010

Block: 540039721022010

Block: 540039721022011

Block: 540039721022012

Block: 540039721022013

Block: 540039721022014

Block: 540039721022015

Block: 540039721022016

Block: 540039721022017

Block: 540039721022018

Block: 540039721022019

Block: 540039721022020

Block: 540039721022021

Block: 540039721022022

Block: 540039721022023

Block: 540039721022024

Block: 540039721022025

Block: 540039721022033

Block: 540039721022034

Block: 540039721022035

Block: 540039721022036

Block: 540039721025005

Block: 540039721026001

Block: 540039721026002

Block: 540039721026003

Block: 540039721026004

Block: 540039721026005

Block: 540039721026006

Block: 540039721026007

Block: 540039721026008

Block: 540039721026010

Block: 540039721026011

Block: 540039721026012

Block: 540039721026013

Block: 540039721026014

Block: 540039721026015

Block: 540039721026017

Block: 540039721026018

Block: 540039721026019

Block: 540039721026020

Block: 540039721026021

Block: 540039721026022

Block: 540039721026023

Block: 540039721026024

Block: 540039721026025

Block: 540039721026026

Block: 540039721026027

Block: 540039721026028

Block: 540039721026029

Block: 540039721026030

Block: 540039721026031

Block: 540039721026032

Block: 540039721026033

Block: 540039721026041

The following blocks of voting district 38:

Block: 540039712013016

Block: 540039712015000

Block: 540039712015001

Block: 540039712015002

Block: 540039712015003

Block: 540039712015004

Block: 540039712015008

Block: 540039712015015

Block: 540039712015019

Block: 540039712015020

Block: 540039712015021

Block: 540039712015028

Block: 540039718001042

Block: 540039718001057

Block: 540039718001066

Block: 540039718001068

Block: 540039719002013

The following blocks of voting district 39:

Block: 540039712012003

Block: 540039712012004

Block: 540039712012005

Block: 540039712012006

Block: 540039712012008

Block: 540039712012009

Block: 540039712012010

Block: 540039712012011

Block: 540039712012012

Block: 540039712012013

Block: 540039712012014

Block: 540039712012015

Block: 540039712012016

Block: 540039712012017

Block: 540039712012018

Block: 540039712012021

Block: 540039712012022

Block: 540039712012025

Block: 540039712012030

Block: 540039712012031

Block: 540039712012037

Block: 540039712013000

Block: 540039712013001

Block: 540039712013002

Block: 540039712013003

~~Block: 540039712013004~~

~~Block: 540039712013005~~

~~Block: 540039712013006~~

~~Block: 540039712013007~~

~~Block: 540039712013008~~

~~Block: 540039712013012~~

~~Block: 540039712013013~~

~~Block: 540039712013014~~

~~Block: 540039712013015~~

~~Block: 540039712013017~~

~~Block: 540039712013018~~

~~Block: 540039712013019~~

~~Block: 540039712013020~~

~~Block: 540039712013022~~

~~Block: 540039712013023~~

~~Block: 540039712013024~~

~~Block: 540039712013025~~

~~Block: 540039712013045~~

~~Block: 540039712013046~~

~~Block: 540039712013047~~

~~Voting district: 40~~

~~Voting district: 41~~

~~Voting district: 42~~

~~Voting district: 43~~

~~Voting district: 44~~

~~Voting district: 45~~

~~The following blocks of voting district 46:~~

~~Block: 540039712015007~~

~~Block: 540039712015026~~

~~Block: 540039712015027~~

~~Block: 540039718001043~~

~~Block: 540039718001044~~

~~Block: 540039718001045~~

~~Block: 540039718001046~~

~~Block: 540039718001047~~

~~Block: 540039718001048~~

~~Block: 540039718001049~~

~~Block: 540039718001050~~

~~Block: 540039718001051~~

~~Block: 540039718001052~~

~~Block: 540039718001053~~

~~Block: 540039718001054~~

~~Block: 540039718001055~~

~~Block: 540039718001056~~

Block: 540039718001060

Block: 540039718001061

Block: 540039718001062

Block: 540039718001063

Block: 540039718001064

Block: 540039718001067

Block: 540039718001069

Block: 540039718001070

Block: 540039718001071

Block: 540039718001072

Block: 540039718001073

Block: 540039718001074

Block: 540039718001075

Block: 540039718001076

Block: 540039718001077

Block: 540039718001078

Block: 540039718001079

Block: 540039718001080

Block: 540039718001081

Block: 540039718001087

Block: 540039718001088

Block: 540039718001089

~~Block: 540039718001090~~

~~Block: 540039718001091~~

~~Block: 540039718001092~~

~~Block: 540039718001093~~

~~Block: 540039718003001~~

~~Block: 540039718003002~~

~~Block: 540039718003003~~

~~Block: 540039718003005~~

~~Block: 540039718003007~~

~~Block: 540039718003015~~

~~Block: 540039718003044~~

~~Block: 540039718003045~~

~~Block: 540039718003046~~

~~Voting district: 47~~

~~Voting district: 48~~

~~The following blocks of voting district 49:~~

~~Block: 540039714001000~~

~~Block: 540039714001001~~

~~Block: 540039714001002~~

~~Block: 540039714001003~~

~~Block: 540039714001004~~

~~Block: 540039714001005~~

~~Block: 540039714001006~~

~~Block: 540039714001007~~

~~Block: 540039714001008~~

~~Block: 540039714001009~~

~~Block: 540039714001010~~

~~Block: 540039714001011~~

~~Block: 540039714001012~~

~~Block: 540039714001013~~

~~Block: 540039714001026~~

~~Block: 540039714001027~~

~~Block: 540039714001028~~

~~Block: 540039714001029~~

~~Block: 540039714001030~~

~~Block: 540039714001031~~

~~Block: 540039714001032~~

~~Voting district: 51~~

~~Hampshire County~~

~~The following areas of Mineral County:~~

~~Voting district: 1~~

~~Voting district: 10~~

~~Voting district: 11~~

~~Voting district: 12~~

~~Voting district: 13~~

~~Voting district: 14~~

~~Voting district: 15~~

~~Voting district: 2~~

~~The following blocks of voting district 26:~~

~~Block: 540570105001001~~

~~Block: 540570105001002~~

~~Block: 540570105001003~~

~~Block: 540570105001004~~

~~Block: 540570105001005~~

~~Block: 540570105001006~~

~~Block: 540570105001007~~

~~Block: 540570105001008~~

~~Block: 540570105001009~~

~~Block: 540570105001010~~

~~Block: 540570105001011~~

~~Block: 540570105001012~~

~~Block: 540570105001013~~

~~Block: 540570105001014~~

~~Block: 540570105001016~~

~~Block: 540570105001017~~

~~Block: 540570105001018~~

Block: 540570105001021

Block: 540570105001048

Block: 540570105001049

Block: 540570105001050

Block: 540570105001051

Block: 540570105003001

Block: 540570105003006

Block: 540570105003023

Block: 540570105003024

Block: 540570105003025

Block: 540570105003026

Block: 540570105003027

Block: 540570105003028

Block: 540570105003029

Block: 540570105003030

Block: 540570105003031

Block: 540570105003032

Block: 540570105003033

Block: 540570105003034

Block: 540570105003035

Block: 540570105003036

Block: 540570105003037

Block: 540570105003038

Block: 540570105003039

Block: 540570105003040

Block: 540570105003042

Block: 540570105003044

Block: 540570105003045

Block: 540570105003046

Block: 540570105003047

Block: 540570105003048

Block: 540570105003049

Block: 540570105003050

Block: 540570105003051

Block: 540570105003052

Block: 540570105003053

Block: 540570105003054

Block: 540570105003055

Block: 540570105003056

Block: 540570105003057

Block: 540570105003058

Block: 540570105003059

Block: 540570105003060

Block: 540570105003061

Block: 540570105003062

Block: 540570105003063

Block: 540570105003064

Block: 540570105003065

Block: 540570105003066

Block: 540570105003067

Block: 540570105003084

Block: 540570105003085

Block: 540570105003086

Block: 540570105003089

Block: 540570106001010

The following blocks of voting district 27:

Block: 540570105003068

Block: 540570105003069

Block: 540570105003070

Block: 540570105003071

Block: 540570105003072

Block: 540570105003073

Block: 540570105003074

Block: 540570105003075

Block: 540570105003076

Block: 540570105003077

Block: 540570105003078

Block: 540570105003079

Block: 540570105003080

Block: 540570105003081

Block: 540570105003082

Block: 540570105003083

Block: 540570105003088

Block: 540570105003091

Block: 540570105004000

Block: 540570105004001

Block: 540570105004002

Block: 540570105004003

Block: 540570105004004

Block: 540570105004005

Block: 540570105004007

Block: 540570105004008

Block: 540570105004009

Block: 540570105004010

Block: 540570105004011

Block: 540570105004012

Block: 540570105004013

Block: 540570105004014

Block: 540570105004016

Block: 540570105004017

Block: 540570105004018

Block: 540570105004019

Block: 540570105004020

Block: 540570105004021

Block: 540570105004022

Block: 540570105004023

Block: 540570105004024

Block: 540570105004025

Block: 540570105004026

Block: 540570105004027

Block: 540570105004028

Block: 540570105004029

Block: 540570105004030

Block: 540570105004031

Block: 540570105004032

Block: 540570105004033

Block: 540570105004034

Block: 540570105004035

Block: 540570105004036

Block: 540570105004037

Block: 540570105004038

Block: 540570105004039

Block: 540570105004040

Block: 540570105004042

Block: 540570105004045

Block: 540570105004049

Block: 540570105004050

The following blocks of voting district 28:

Block: 540570105004041

Block: 540570105004043

Block: 540570105004044

Block: 540570105004046

Block: 540570105004047

Block: 540570105004051

Block: 540570105004052

Block: 540570105004053

Block: 540570105004054

Block: 540570105004055

Block: 540570105004056

Block: 540570105004057

Block: 540570105004058

Block: 540570105004059

Block: 540570105004060

Block: 540570105004061

Block: 540570105004062

Block: 540570105004063

Block: 540570105004064

Block: 540570105004065

Block: 540570105004066

Block: 540570105004067

Block: 540570105004068

Block: 540570105004069

Block: 540570105004070

Block: 540570105004071

Block: 540570105004072

Block: 540570105004073

Block: 540570105004074

Block: 540570105004075

Block: 540570105004076

Block: 540570105004079

Block: 540570105004080

Block: 540570105004082

Block: 540570105004083

Block: 540570105004084

Block: 540570105004085

Block: 540570105004086

Block: 540570105004087

Block: 540570105004088

Block: 540570105004089

Block: 540570105004090

Block: 540570105004091

Block: 540570105004092

Block: 540570105004093

Block: 540570105004094

Block: 540570105004095

Block: 540570105004096

Block: 540570105004097

Block: 540570105004098

Block: 540570105004099

Block: 540570105004100

Block: 540570105004101

Block: 540570105004102

Block: 540570105004103

Block: 540570105004104

Block: 540570105004106

Block: 540570105004107

~~Block: 540570105004111~~~~Block: 540570105004112~~~~Voting district: 31~~~~Voting district: 32~~~~Voting district: 34~~~~Voting district: 35~~~~Voting district: 4~~~~Voting district: 5~~~~Voting district: 7~~~~Voting district: 9~~

Morgan County

District 15County: Berkeley WV (part)Tract: 9711.01 6962Tract: 9711.03 1973Tract: 9711.04 3865Tract: 9711.05 4221Tract: 9712.03 (part)BlockGroup: 540039712031 1460BlockGroup: 540039712032Block: 540039712032000 8Block: 540039712032001 161

<u>Block: 540039712032002</u>	<u>568</u>
<u>Block: 540039712032003</u>	<u>10</u>
<u>Block: 540039712032004</u>	<u>39</u>
<u>Block: 540039712032005</u>	<u>24</u>
<u>Block: 540039712032006</u>	<u>50</u>
<u>Block: 540039712032007</u>	<u>44</u>
<u>Block: 540039712032008</u>	<u>20</u>
<u>Block: 540039712032009</u>	<u>109</u>
<u>Block: 540039712032010</u>	<u>188</u>
<u>Block: 540039712032011</u>	<u>49</u>
<u>Block: 540039712032012</u>	<u>60</u>
<u>Block: 540039712032013</u>	<u>91</u>
<u>Block: 540039712032014</u>	<u>17</u>
<u>Block: 540039712032015</u>	<u>51</u>
<u>Block: 540039712032016</u>	<u>78</u>
<u>Block: 540039712032017</u>	<u>19</u>
<u>Block: 540039712032018</u>	<u>21</u>
<u>Block: 540039712032023</u>	<u>10</u>
<u>Block: 540039712032024</u>	<u>116</u>
<u>Block: 540039712032025</u>	<u>120</u>
<u>BlockGroup 540039712032 Subtotal</u>	<u>1853</u>
<u>Tract 9712.03 Subtotal</u>	<u>3313</u>

<u>Tract: 9712.04</u>	<u>3098</u>
<u>Tract: 9712.05</u>	<u>4519</u>
<u>Tract: 9712.06 (part)</u>	
<u>BlockGroup: 540039712061</u>	
<u>Block: 540039712061000</u>	<u>44</u>
<u>Block: 540039712061001</u>	<u>27</u>
<u>Block: 540039712061002</u>	<u>315</u>
<u>Block: 540039712061003</u>	<u>19</u>
<u>Block: 540039712061004</u>	<u>17</u>
<u>Block: 540039712061005</u>	<u>45</u>
<u>Block: 540039712061006</u>	<u>416</u>
<u>Block: 540039712061007</u>	<u>41</u>
<u>Block: 540039712061008</u>	<u>50</u>
<u>Block: 540039712061009</u>	<u>147</u>
<u>Block: 540039712061010</u>	<u>65</u>
<u>Block: 540039712061012</u>	<u>34</u>
<u>Block: 540039712061013</u>	<u>409</u>
<u>Block: 540039712061014</u>	<u>123</u>
<u>Block: 540039712061015</u>	<u>228</u>
<u>Block: 540039712061016</u>	<u>78</u>
<u>Block: 540039712061017</u>	<u>62</u>
<u>Block: 540039712061018</u>	<u>38</u>

<u>BlockGroup 540039712061 Subtotal</u>	<u>2158</u>
<u>BlockGroup: 540039712062</u>	<u>2991</u>
<u>BlockGroup: 540039712063</u>	
<u>Block: 540039712063000</u>	<u>59</u>
<u>Block: 540039712063001</u>	<u>149</u>
<u>Block: 540039712063002</u>	<u>498</u>
<u>Block: 540039712063003</u>	<u>21</u>
<u>Block: 540039712063004</u>	<u>32</u>
<u>Block: 540039712063005</u>	<u>33</u>
<u>Block: 540039712063006</u>	<u>29</u>
<u>Block: 540039712063007</u>	<u>45</u>
<u>Block: 540039712063008</u>	<u>33</u>
<u>Block: 540039712063009</u>	<u>48</u>
<u>Block: 540039712063010</u>	<u>43</u>
<u>Block: 540039712063011</u>	<u>0</u>
<u>Block: 540039712063013</u>	<u>28</u>
<u>BlockGroup 540039712063 Subtotal</u>	<u>1018</u>
<u>BlockGroup: 540039712064</u>	
<u>Block: 540039712064003</u>	<u>0</u>
<u>BlockGroup 540039712064 Subtotal</u>	<u>0</u>
<u>Tract 9712.06 Subtotal</u>	<u>6167</u>
<u>Tract: 9713.01 (part)</u>	

<hr/> <u>BlockGroup: 540039713011</u>	
Block: 540039713011000	0
Block: 540039713011001	115
BlockGroup 540039713011 Subtotal	115
<hr/> <u>BlockGroup: 540039713012</u>	
Block: 540039713012000	0
Block: 540039713012001	324
Block: 540039713012002	110
Block: 540039713012003	24
Block: 540039713012004	13
Block: 540039713012005	444
Block: 540039713012006	84
Block: 540039713012007	49
Block: 540039713012008	0
Block: 540039713012009	0
Block: 540039713012010	99
Block: 540039713012011	0
Block: 540039713012012	0
Block: 540039713012013	0
Block: 540039713012014	0
Block: 540039713012015	0
Block: 540039713012018	42

Block: 540039713012019	44
Block: 540039713012020	0
BlockGroup 540039713012 Subtotal	1233
BlockGroup: 540039713013	2167
BlockGroup: 540039713014	1141
Tract 9713.01 Subtotal	4656
Tract: 9713.02	4503
Tract: 9714.01 (part)	
BlockGroup: 540039714011	1751
BlockGroup: 540039714012	
Block: 540039714012000	30
Block: 540039714012001	26
Block: 540039714012002	14
Block: 540039714012003	6
Block: 540039714012004	34
Block: 540039714012005	0
Block: 540039714012006	117
Block: 540039714012007	0
Block: 540039714012008	194
Block: 540039714012009	242
Block: 540039714012010	49
Block: 540039714012011	15

Block: 540039714012012	365
Block: 540039714012013	55
Block: 540039714012014	21
Block: 540039714012015	244
Block: 540039714012016	0
Block: 540039714012017	43
Block: 540039714012018	14
Block: 540039714012019	35
Block: 540039714012020	22
Block: 540039714012021	88
Block: 540039714012022	82
Block: 540039714012023	35
Block: 540039714012026	41
BlockGroup 540039714012 Subtotal	1772
Tract 9714.01 Subtotal	3523
Tract: 9714.02	6094
Tract: 9715	3808
Tract: 9716 (part)	
BlockGroup: 540039716001	807
BlockGroup: 540039716005	592
Tract 9716 Subtotal	1399
Tract: 9717 (part)	

<u>BlockGroup: 540039717001</u>	<u>641</u>
<u>Tract 9717 Subtotal</u>	<u>641</u>
<u>Tract: 9718.01 (part)</u>	
<u>BlockGroup: 540039718012</u>	<u>1961</u>
<u>Tract 9718.01 Subtotal</u>	<u>1961</u>
<u>Tract: 9718.02 (part)</u>	
<u>BlockGroup: 540039718021</u>	<u>1732</u>
<u>BlockGroup: 540039718023</u>	<u>1159</u>
<u>Tract 9718.02 Subtotal</u>	<u>2891</u>
<u>Tract: 9720.01 (part)</u>	
<u>BlockGroup: 540039720011</u>	
<u>Block: 540039720011000</u>	<u>257</u>
<u>Block: 540039720011001</u>	<u>413</u>
<u>Block: 540039720011002</u>	<u>28</u>
<u>Block: 540039720011003</u>	<u>47</u>
<u>Block: 540039720011004</u>	<u>130</u>
<u>Block: 540039720011005</u>	<u>62</u>
<u>Block: 540039720011006</u>	<u>30</u>
<u>Block: 540039720011007</u>	<u>32</u>
<u>Block: 540039720011008</u>	<u>321</u>
<u>Block: 540039720011009</u>	<u>0</u>
<u>BlockGroup 540039720011 Subtotal</u>	<u>1320</u>

<u>BlockGroup: 540039720012</u>	
Block: 540039720012000	22
Block: 540039720012001	33
Block: 540039720012002	93
Block: 540039720012003	115
Block: 540039720012004	419
Block: 540039720012005	42
Block: 540039720012006	58
Block: 540039720012007	50
Block: 540039720012008	114
Block: 540039720012010	22
BlockGroup 540039720012 Subtotal	968
Tract 9720.01 Subtotal	2288
<u>Tract: 9720.02 (part)</u>	
BlockGroup: 540039720021	1978
<u>BlockGroup: 540039720022</u>	
Block: 540039720022000	24
Block: 540039720022001	284
Block: 540039720022002	28
Block: 540039720022003	70
Block: 540039720022004	30
Block: 540039720022005	27

<u>Block: 540039720022006</u>	<u>232</u>
<u>Block: 540039720022007</u>	<u>26</u>
<u>Block: 540039720022008</u>	<u>52</u>
<u>Block: 540039720022009</u>	<u>32</u>
<u>Block: 540039720022010</u>	<u>0</u>
<u>Block: 540039720022011</u>	<u>226</u>
<u>Block: 540039720022012</u>	<u>28</u>
<u>Block: 540039720022013</u>	<u>0</u>
<u>Block: 540039720022014</u>	<u>507</u>
<u>Block: 540039720022015</u>	<u>14</u>
<u>Block: 540039720022016</u>	<u>91</u>
<u>BlockGroup 540039720022 Subtotal</u>	<u>1671</u>
<u>Tract 9720.02 Subtotal</u>	<u>3649</u>
<u>County Berkeley WV Subtotal</u>	<u>69531</u>
<u>County: Hampshire WV</u>	<u>23093</u>
<u>County: Morgan WV</u>	<u>17063</u>
<u>District 15 Total</u>	<u>109687</u>

(16) The sixteenth senatorial district consists of the following counties, tracts, block groups, and blocks, together with their respective populations from the 2020 federal decennial census:

~~The following areas of Berkeley County:~~

~~Voting district: 1~~

~~Voting district: 10~~

~~Voting district: 11~~

~~Voting district: 14~~

~~Voting district: 15~~

~~Voting district: 15A~~

~~Voting district: 16~~

~~Voting district: 17~~

~~Voting district: 18~~

~~Voting district: 2~~

~~The following blocks of voting district 21:~~

~~Block: 540039711025022~~

~~Block: 540039713004000~~

~~Block: 540039713004001~~

~~Block: 540039713004024~~

~~Block: 540039713004025~~

~~The following blocks of voting district 22:~~

~~Block: 540039712015017~~

~~Block: 540039712015023~~

~~Block: 540039712015024~~

~~Block: 540039716003009~~

~~Block: 540039716003010~~

~~Block: 540039717004000~~

~~Block: 540039717004004~~

Block: 540039717004006

Block: 540039719002000

Block: 540039719002001

Block: 540039719002002

Block: 540039719002003

Block: 540039719002004

Block: 540039719002005

Block: 540039719002006

Block: 540039719002007

Block: 540039719002008

Block: 540039719002009

Block: 540039719002010

Block: 540039719002011

Block: 540039719002012

Block: 540039719002014

Block: 540039719002015

Block: 540039719002016

Block: 540039719002017

Block: 540039719002018

Block: 540039719002019

Block: 540039719002020

Block: 540039719002021

Block: 540039719002023

Block: 540039719002024

Block: 540039719002025

Block: 540039719002026

Block: 540039719002027

Block: 540039719002028

Block: 540039719002029

Block: 540039719002030

Block: 540039719002031

Block: 540039719002032

Block: 540039719002033

Block: 540039719002034

Block: 540039719002035

Block: 540039719002039

Block: 540039719002040

Block: 540039719002041

Block: 540039719002042

Block: 540039719002043

Block: 540039719002044

Block: 540039719002045

Block: 540039719002047

Block: 540039719002048

Block: 540039719002049

Block: 540039719002050

Block: 540039719002051

Block: 540039719002052

Block: 540039719003000

Block: 540039719003001

Block: 540039719003002

Block: 540039719005019

Block: 540039719005021

Block: 540039719005022

Block: 540039719005023

Block: 540039719005024

Block: 540039719005025

Block: 540039719005026

Block: 540039719005027

Block: 540039719005028

Block: 540039719005031

Block: 540039719005032

Block: 540039719005033

Block: 540039719005034

Block: 540039719005036

The following blocks of voting district 23:

~~Block: 540039713002010~~

~~Block: 540039713002011~~

~~Block: 540039713002012~~

~~Voting district: 24~~

~~Voting district: 25~~

~~Voting district: 25A~~

~~The following blocks of voting district 26:~~

~~Block: 540039713001000~~

~~Block: 540039713001001~~

~~Block: 540039713001002~~

~~Block: 540039713001003~~

~~Block: 540039713001004~~

~~Block: 540039713001005~~

~~Block: 540039713001006~~

~~Block: 540039713001007~~

~~Block: 540039713001008~~

~~Block: 540039713001009~~

~~Block: 540039713001010~~

~~Block: 540039713001013~~

~~Block: 540039713001035~~

~~Block: 540039713001036~~

~~Block: 540039713001037~~

~~Block: 540039713002006~~

~~Block: 540039713002018~~

~~Block: 540039713002019~~

~~Block: 540039713002020~~

~~Block: 540039713002021~~

~~Block: 540039713002022~~

~~Block: 540039713002023~~

~~Block: 540039713002024~~

~~Block: 540039713002025~~

~~Block: 540039713002026~~

~~Block: 540039713002027~~

~~Block: 540039713002028~~

~~Block: 540039713002029~~

~~Block: 540039713002030~~

~~Block: 540039713002031~~

~~Block: 540039713002034~~

~~Block: 540039713002035~~

~~Block: 540039713002036~~

~~Block: 540039713002037~~

~~Voting district: 27~~

~~Voting district: 28~~

~~Voting district: 29~~

The following blocks of voting district 31:

Block: 540039719001024

Block: 540039719001025

Block: 540039719001029

Block: 540039719004018

Block: 540039719004019

Block: 540039719004020

Block: 540039719004021

Block: 540039720002005

Block: 540039720002006

Block: 540039720002007

Block: 540039720002008

Block: 540039720002009

Block: 540039720002010

Block: 540039720002011

Block: 540039720002012

Block: 540039720002013

Block: 540039720002014

Block: 540039720002015

Block: 540039720002020

Block: 540039720002023

Block: 540039720002024

Block: 540039720002028

Block: 540039720002029

Block: 540039720002030

Block: 540039720002031

Block: 540039720002048

The following blocks of voting district 35:

Block: 540039720002000

Block: 540039720002001

Block: 540039720002002

Block: 540039720002003

Block: 540039720002004

Block: 540039720002025

Block: 540039720002026

Block: 540039720002027

Block: 540039720002032

Block: 540039720002034

Block: 540039720002035

Block: 540039720002037

Block: 540039720002038

Block: 540039720004000

Block: 540039720004001

Block: 540039720004002

Block: 540039720004003

Block: 540039720004004

Block: 540039720004005

Block: 540039720004006

Block: 540039720004007

Block: 540039720004008

Block: 540039720004009

Block: 540039720004010

Block: 540039720004011

Block: 540039720004012

Block: 540039720004013

Block: 540039720004014

Block: 540039720004015

Block: 540039720004016

Block: 540039720004017

Block: 540039720004018

Block: 540039720004019

Block: 540039720004020

Block: 540039720004021

Block: 540039720004022

Block: 540039720004023

Block: 540039720004024

Block: 540039720004025

The following blocks of voting district 36:

Block: 540039721026037

Block: 540039721026038

Block: 540039721026055

The following blocks of voting district 37:

Block: 540039721025000

Block: 540039721025001

Block: 540039721025002

Block: 540039721025003

Block: 540039721025004

Block: 540039721025006

Block: 540039721025007

Block: 540039721025008

Block: 540039721025009

Block: 540039721025010

Block: 540039721025011

Block: 540039721025012

Block: 540039721025013

Block: 540039721025014

Block: 540039721025015

Block: 540039721025016

Block: 540039721025017

Block: 540039721025018

Block: 540039721026000

Block: 540039721026034

Block: 540039721026035

Block: 540039721026036

Block: 540039721026039

Block: 540039721026040

Block: 540039721026056

The following blocks of voting district 38:

Block: 540039712015009

Block: 540039712015010

Block: 540039712015011

Block: 540039712015012

Block: 540039712015013

Block: 540039712015014

Block: 540039712015022

Block: 540039713003001

Block: 540039713003002

Block: 540039713003003

Block: 540039713003004

Block: 540039713003005

Block: 540039713003006

Block: 540039713003010

Block: 540039713003011

Block: 540039713003012

Block: 540039713003014

Block: 540039713003019

Block: 540039713003027

Block: 540039713003029

Block: 540039713003030

Block: 540039713003050

Block: 540039713003051

Block: 540039713003052

Block: 540039713003057

Block: 540039716002000

Block: 540039716002001

Block: 540039716002002

The following blocks of voting district 39:

Block: 540039712013009

Block: 540039712013010

Block: 540039712013011

Block: 540039712013021

Block: 540039712013026

Block: 540039712013027

Block: 540039712013028

Block: 540039712013029

Block: 540039712013030

Block: 540039712013031

Block: 540039712013032

Block: 540039712013033

Block: 540039712013034

Block: 540039712013035

Block: 540039712013036

Block: 540039712013037

Block: 540039712013038

Block: 540039712013039

Block: 540039712013040

Block: 540039712013041

Block: 540039712013042

Block: 540039712013043

Block: 540039712013044

Block: 540039712013048

Block: 540039712013049

Block: 540039712013050

Block: 540039712013051

Block: 540039712013052

Block: 540039713004020

Block: 540039713004071

Block: 540039713004072

The following blocks of voting district 46:

Block: 540039718001082

Block: 540039718001083

The following blocks of voting district 49:

Block: 540039714001014

Block: 540039714001015

Block: 540039714001016

Block: 540039714001017

Block: 540039714001018

Block: 540039714001019

Block: 540039714001020

Block: 540039714001021

Block: 540039714001022

Block: 540039714001023

Block: 540039714001024

Block: 540039714001025

Block: 540039714001033

Block: 540039714001034

Block: 540039714001035

Block: 540039714001036

Block: 540039714001037

Block: 540039714001038

Block: 540039714001039

Block: 540039714001040

Block: 540039714001041

Block: 540039714001042

Block: 540039714001043

Block: 540039714001044

Block: 540039714001045

Block: 540039714001046

~~Voting district: 5~~

~~Voting district: 50~~

~~Voting district: 6~~

~~Voting district: 7~~

~~Voting district: 8~~

~~Voting district: 9~~

Jefferson County

District 16

County: Berkeley WV (part)

Tract: 9712.03 (part)

<u>BlockGroup: 540039712032</u>	
Block: 540039712032019	16
Block: 540039712032020	0
Block: 540039712032021	23
Block: 540039712032022	9
Block: 540039712032026	107
BlockGroup 540039712032 Subtotal	155
Tract 9712.03 Subtotal	155
<u>Tract: 9712.06 (part)</u>	
<u>BlockGroup: 540039712061</u>	
Block: 540039712061011	25
Block: 540039712061019	0
Block: 540039712061020	9
Block: 540039712061021	7
BlockGroup 540039712061 Subtotal	41
<u>BlockGroup: 540039712063</u>	
Block: 540039712063012	18
BlockGroup 540039712063 Subtotal	18
<u>BlockGroup: 540039712064</u>	
Block: 540039712064000	208
Block: 540039712064001	92
Block: 540039712064002	7

<u>Block: 540039712064004</u>	<u>19</u>
<u>Block: 540039712064005</u>	<u>7</u>
<u>Block: 540039712064006</u>	<u>65</u>
<u>Block: 540039712064007</u>	<u>502</u>
<u>Block: 540039712064008</u>	<u>0</u>
<u>Block: 540039712064009</u>	<u>17</u>
<u>Block: 540039712064010</u>	<u>70</u>
<u>Block: 540039712064011</u>	<u>37</u>
<u>Block: 540039712064012</u>	<u>20</u>
<u>Block: 540039712064013</u>	<u>233</u>
<u>Block: 540039712064014</u>	<u>17</u>
<u>Block: 540039712064015</u>	<u>25</u>
<u>Block: 540039712064016</u>	<u>33</u>
<u>Block: 540039712064017</u>	<u>133</u>
<u>Block: 540039712064018</u>	<u>26</u>
<u>Block: 540039712064019</u>	<u>31</u>
<u>BlockGroup 540039712064 Subtotal</u>	<u>1542</u>
<u>Tract 9712.06 Subtotal</u>	<u>1601</u>
<u>Tract: 9713.01 (part)</u>	
<u>BlockGroup: 540039713011</u>	
<u>Block: 540039713011002</u>	<u>666</u>
<u>Block: 540039713011003</u>	<u>32</u>

<u>Block: 540039713011004</u>	<u>28</u>
<u>Block: 540039713011005</u>	<u>0</u>
<u>Block: 540039713011006</u>	<u>25</u>
<u>Block: 540039713011007</u>	<u>33</u>
<u>Block: 540039713011008</u>	<u>11</u>
<u>Block: 540039713011009</u>	<u>227</u>
<u>Block: 540039713011010</u>	<u>43</u>
<u>Block: 540039713011011</u>	<u>0</u>
<u>Block: 540039713011012</u>	<u>8</u>
<u>Block: 540039713011013</u>	<u>0</u>
<u>Block: 540039713011014</u>	<u>0</u>
<u>BlockGroup 540039713011 Subtotal</u>	<u>1073</u>
<u>BlockGroup: 540039713012</u>	
<u>Block: 540039713012016</u>	<u>94</u>
<u>Block: 540039713012017</u>	<u>61</u>
<u>BlockGroup 540039713012 Subtotal</u>	<u>155</u>
<u>Tract 9713.01 Subtotal</u>	<u>1228</u>
<u>Tract: 9714.01 (part)</u>	
<u>BlockGroup: 540039714012</u>	
<u>Block: 540039714012024</u>	<u>29</u>
<u>Block: 540039714012025</u>	<u>28</u>
<u>Block: 540039714012027</u>	<u>156</u>

<u>Block: 540039714012028</u>	<u>61</u>
<u>Block: 540039714012029</u>	<u>16</u>
<u>Block: 540039714012030</u>	<u>75</u>
<u>BlockGroup 540039714012 Subtotal</u>	<u>365</u>
<u>Tract 9714.01 Subtotal</u>	<u>365</u>
<u>Tract: 9716 (part)</u>	
<u>BlockGroup: 540039716002</u>	<u>1517</u>
<u>BlockGroup: 540039716003</u>	<u>1048</u>
<u>BlockGroup: 540039716004</u>	<u>871</u>
<u>Tract 9716 Subtotal</u>	<u>3436</u>
<u>Tract: 9717 (part)</u>	
<u>BlockGroup: 540039717002</u>	<u>678</u>
<u>BlockGroup: 540039717003</u>	<u>862</u>
<u>BlockGroup: 540039717004</u>	<u>1296</u>
<u>BlockGroup: 540039717005</u>	<u>811</u>
<u>BlockGroup: 540039717006</u>	<u>629</u>
<u>BlockGroup: 540039717007</u>	<u>583</u>
<u>Tract 9717 Subtotal</u>	<u>4859</u>
<u>Tract: 9718.01 (part)</u>	
<u>BlockGroup: 540039718011</u>	<u>2259</u>
<u>Tract 9718.01 Subtotal</u>	<u>2259</u>
<u>Tract: 9718.02 (part)</u>	

<u>BlockGroup: 540039718022</u>	<u>1529</u>
<u>Tract 9718.02 Subtotal</u>	<u>1529</u>
<u>Tract: 9719.01</u>	<u>6158</u>
<u>Tract: 9719.02</u>	<u>4676</u>
<u>Tract: 9720.01 (part)</u>	
<u>BlockGroup: 540039720011</u>	
<u>Block: 540039720011010</u>	<u>225</u>
<u>Block: 540039720011011</u>	<u>189</u>
<u>BlockGroup 540039720011 Subtotal</u>	<u>414</u>
<u>BlockGroup: 540039720012</u>	
<u>Block: 540039720012009</u>	<u>34</u>
<u>Block: 540039720012011</u>	<u>576</u>
<u>Block: 540039720012012</u>	<u>0</u>
<u>Block: 540039720012013</u>	<u>55</u>
<u>Block: 540039720012014</u>	<u>74</u>
<u>Block: 540039720012015</u>	<u>43</u>
<u>Block: 540039720012016</u>	<u>199</u>
<u>Block: 540039720012017</u>	<u>98</u>
<u>Block: 540039720012018</u>	<u>0</u>
<u>Block: 540039720012019</u>	<u>39</u>
<u>Block: 540039720012020</u>	<u>70</u>
<u>Block: 540039720012021</u>	<u>0</u>

BlockGroup 540039720012 Subtotal	1188
BlockGroup: 540039720013	2049
Tract 9720.01 Subtotal	3651
Tract: 9720.02 (part)	
BlockGroup: 540039720022	
Block: 540039720022017	0
Block: 540039720022018	0
Block: 540039720022019	0
Block: 540039720022020	63
Block: 540039720022021	13
Block: 540039720022022	0
Block: 540039720022023	10
Block: 540039720022024	0
Block: 540039720022025	0
Block: 540039720022026	30
Block: 540039720022027	0
Block: 540039720022028	21
Block: 540039720022029	28
BlockGroup 540039720022 Subtotal	165
Tract 9720.02 Subtotal	165
Tract: 9720.03	4154
Tract: 9721.01	6141

<u>Tract: 9721.03</u>	<u>4178</u>
<u>Tract: 9721.04</u>	<u>4228</u>
<u>Tract: 9721.05</u>	<u>3762</u>
<u>County Berkeley WV Subtotal</u>	<u>52545</u>
<u>County: Jefferson WV</u>	<u>57701</u>
<u>District 16 Total</u>	<u>110246</u>

(17) The seventeenth senatorial district consists of the following counties, tracts, block groups, and blocks, together with their respective populations from the 2020 federal decennial census:

~~The following areas of Kanawha County:~~

~~Voting district: 103~~

~~Voting district: 105~~

~~Voting district: 106~~

~~Voting district: 108~~

~~Voting district: 110~~

~~Voting district: 111~~

~~Voting district: 112~~

~~Voting district: 113~~

~~Voting district: 114~~

~~Voting district: 117~~

~~Voting district: 118~~

~~Voting district: 119~~

~~Voting district: 120~~

~~Voting district: 131~~

~~Voting district: 133~~

~~Voting district: 134~~

~~Voting district: 136~~

~~Voting district: 138~~

~~Voting district: 140~~

~~Voting district: 142~~

~~Voting district: 145~~

~~Voting district: 147~~

~~Voting district: 148~~

~~Voting district: 149~~

~~Voting district: 150~~

~~Voting district: 151~~

~~Voting district: 152~~

~~Voting district: 153~~

~~Voting district: 154~~

~~Voting district: 158~~

The following blocks of voting district 160:

~~Block: 540390015001000~~

~~Block: 540390015001001~~

~~Block: 540390015001002~~

~~Block: 540390015001003~~

Block: 540390015001004

Block: 540390015001005

Block: 540390015001006

Block: 540390015001007

Block: 540390015001008

Block: 540390015001009

Block: 540390015001010

Block: 540390015001011

Block: 540390015001012

Block: 540390015001013

Block: 540390015001014

Block: 540390015001015

Block: 540390015001016

Block: 540390015001017

Block: 540390015001018

Block: 540390015001019

Block: 540390015001020

Block: 540390015001021

Block: 540390015001022

Block: 540390015001023

Block: 540390015001024

Block: 540390015001025

Block: 540390015001026

Block: 540390015001027

Block: 540390015001028

Block: 540390015001029

Block: 540390015001030

Block: 540390015001031

Block: 540390015001032

Block: 540390015001033

Block: 540390015001034

Block: 540390015001036

Block: 540390015001037

Block: 540390015001038

Block: 540390015001041

Block: 540390015001042

Block: 540390015001043

Block: 540390015001044

Block: 540390015001045

Block: 540390015001046

Block: 540390015001047

Block: 540390015001048

Block: 540390015001049

Block: 540390015001050

Block: 540390015001058

Block: 540390015001059

Block: 540390015002002

Block: 540390015002004

Block: 540390015002005

Block: 540390015002006

Block: 540390015002007

Block: 540390015002008

Block: 540390015002014

Block: 540390015002027

Block: 540390015002028

Block: 540390015002029

Block: 540390015002030

Block: 540390015002031

Block: 540390015002032

Block: 540390015004001

Block: 540390015004011

Block: 540390015004012

Block: 540390015004028

Block: 540390015004029

Block: 540390015004030

Block: 540390015004034

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Block: 540390015004082

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Block: 540390015004084

Block: 540390015004085

Block: 540390015004086

Block: 540390015004087

Block: 540390015004090

Block: 540390015004095

Block: 540390015004096

Block: 540390015004097

Block: 540390015004099

Block: 540390015004100

Voting district: 161

The following blocks of voting district 163:

Block: 540390015002000

Block: 540390015002001

Block: 540390015002003

Block: 540390015002009

Block: 540390015002010

Block: 540390015002011

Block: 540390015002012

Block: 540390015002013

Block: 540390015002015

Block: 540390015002016

Block: 540390015002017

Block: 540390015002018

Block: 540390015002019

Block: 540390015002020

Block: 540390015002021

Block: 540390015002022

Block: 540390015002023

Block: 540390015002024

Block: 540390015002025

Block: 540390015002026

Block: 540390015002033

Block: 540390015002034

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Block: 540390015002037

Block: 540390015002038

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Block: 540390015002040

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Block: 540390015002042

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Block: 540390015002061

Block: 540390015002062

Block: 540390015003000

Block: 540390015003001

Block: 540390015003002

Block: 540390015003003

Block: 540390015003004

Block: 540390015003005

Block: 540390015003006

Block: 540390015003007

Block: 540390015003008

Block: 540390015003009

Block: 540390015003010

Block: 540390015003011

Block: 540390015003012

Block: 540390015003013

Block: 540390015003014

Block: 540390015003015

Block: 540390015003016

Block: 540390015003017

Block: 540390015003018

Block: 540390015003019

Block: 540390015003020

Block: 540390015003021

Block: 540390015003022

Block: 540390015003023

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Block: 540390015003027

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Block: 540390015003029

Block: 540390015003030

Block: 540390015003031

Block: 540390015003032

Block: 540390015003033

Block: 540390015003034

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~~Block: 540390015003036~~

~~Block: 540390015003037~~

~~Block: 540390015003038~~

~~Block: 540390015003039~~

~~Block: 540390015003040~~

~~Block: 540390015003041~~

~~Block: 540390017001000~~

~~Block: 540390017001001~~

~~Block: 540390017001002~~

~~Block: 540390017001003~~

~~Block: 540390017001004~~

~~Block: 540390017001005~~

~~Block: 540390017001006~~

~~Block: 540390017001037~~

~~Block: 540390017001038~~

~~Voting district: 164~~

~~Voting district: 165~~

~~Voting district: 202~~

~~Voting district: 205~~

~~Voting district: 208~~

~~Voting district: 209~~

~~Voting district: 213~~

~~Voting district: 217~~

~~Voting district: 223~~

~~Voting district: 224~~

~~Voting district: 226~~

~~Voting district: 227~~

~~Voting district: 228~~

~~Voting district: 233~~

~~Voting district: 234~~

~~Voting district: 238~~

~~Voting district: 239~~

~~Voting district: 240~~

~~Voting district: 241~~

~~Voting district: 244~~

~~Voting district: 246~~

~~Voting district: 247~~

~~Voting district: 250~~

~~Voting district: 253~~

~~Voting district: 254~~

~~Voting district: 258~~

~~Voting district: 260~~

~~Voting district: 275~~

~~Voting district: 276~~

~~Voting district: 277~~

~~Voting district: 278~~

~~Voting district: 279~~

~~Voting district: 280~~

~~Voting district: 281~~

~~Voting district: 282~~

~~Voting district: 283~~

~~Voting district: 284~~

~~Voting district: 285~~

~~Voting district: 286~~

~~Voting district: 287~~

~~Voting district: 288~~

~~Voting district: 302~~

~~Voting district: 304~~

~~Voting district: 305~~

~~Voting district: 307~~

~~Voting district: 308~~

~~Voting district: 309~~

~~Voting district: 310~~

~~Voting district: 311~~

~~Voting district: 317~~

~~Voting district: 321~~

~~Voting district: 326~~

~~Voting district: 329~~

~~Voting district: 332~~

~~Voting district: 333~~

~~Voting district: 337~~

~~Voting district: 340~~

~~Voting district: 347~~

~~Voting district: 375~~

~~Voting district: 376~~

~~Voting district: 378~~

~~Voting district: 379~~

~~The following blocks of voting district 418:~~

~~Block: 540390112002055~~

~~Block: 540390112002056~~

~~Block: 540390112002057~~

~~Block: 540390112002059~~

~~Block: 540390112002060~~

~~Block: 540390112002061~~

~~Block: 540390112002063~~

~~Block: 540390112002066~~

~~Block: 540390112002067~~

~~Block: 540390112002068~~

Block: 540390112002069

Block: 540390112002071

Block: 540390112002072

Block: 540390112002073

Block: 540390112002074

Block: 540390112002075

Block: 540390112002076

Block: 540390112002078

Block: 540390112002080

Block: 540390112002085

Block: 540390112002090

Block: 540390112002091

Block: 540390112002092

Block: 540390112002093

Block: 540390112002094

Block: 540390112002095

Block: 540390112002096

Block: 540390112002097

Block: 540390112002098

Block: 540390112002099

Block: 540390112002100

Block: 540390112002101

Block: 540390112002102

Block: 540390112002103

Block: 540390112002104

Block: 540390112002109

Block: 540390112002110

Block: 540390112002123

Block: 540390112002124

Block: 540390112002125

Block: 540390112002126

Block: 540390112002129

Block: 540390112002131

Block: 540390112002132

Block: 540390112002134

Block: 540390112002135

Block: 540390112002136

Block: 540390112002137

Block: 540390112002138

Block: 540390112002139

Block: 540390112002140

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Block: 540390112002154

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Block: 540390112002157

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Block: 540390112002160

Block: 540390112002161

Block: 540390112002162

Block: 540390112002163

Block: 540390112002164

Block: 540390112002165

Block: 540390112002166

Block: 540390112002167

Block: 540390112002168

Block: 540390112002169

Block: 540390112002170

Block: 540390112002171

Block: 540390112002172

Block: 540390112002173

Block: 540390112002175

Block: 540390112002176

Block: 540390112002177

Block: 540390112002178

Block: 540390112002179

Block: 540390112002180

Block: 540390112002181

Block: 540390112002182

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Block: 540390112002184

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Block: 540390112002192

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Block: 540390112002194

Block: 540390112002195

Block: 540390112002196

Block: 540390112002197

Block: 540390112002200

Block: 540390112002201

Block: 540390112002202

Block: 540390112002203

Block: 540390112002204

Block: 540390112002205

Block: 540390112002206

Block: 540390112002207

Block: 540390112002212

Block: 540390112002213

Block: 540390112002217

Block: 540390112002219

Block: 540390112002220

Block: 540390112002227

Block: 540390112002233

Block: 540390112002239

Block: 540390112004045

Block: 540390112004046

Block: 540390112004047

Block: 540390112004048

Block: 540390112004050

Block: 540390113021000

Block: 540390113021001

Block: 540390113021002

Block: 540390113021003

Block: 540390113021004

Block: 540390113021005

Block: 540390113021006

Block: 540390113021007

Block: 540390113021008

Block: 540390113021009

Block: 540390113021014

Block: 540390113021025

Block: 540390113021026

Block: 540390113021027

Block: 540390113021028

Block: 540390113021032

Block: 540390113021093

Block: 540390113021094

Block: 540390113021095

Block: 540390113021096

~~Block: 540390113021097~~~~Block: 540390113021098~~~~Block: 540390113021099~~~~Block: 540390113021100~~~~Block: 540390113021139~~~~Block: 540390113021140~~~~Voting district: 436~~~~Voting district: 437~~~~Voting district: 438~~~~Voting district: 439~~~~Voting district: 440~~~~Voting district: 441~~District 17County: Kanawha WV (part)Tract: 107.02 (part)BlockGroup: 540390107022Block: 540390107022000 30Block: 540390107022001 13Block: 540390107022002 14Block: 540390107022003 60Block: 540390107022004 8Block: 540390107022007 29

<u>Block: 540390107022008</u>	<u>47</u>
<u>Block: 540390107022012</u>	<u>14</u>
<u>Block: 540390107022013</u>	<u>3</u>
<u>BlockGroup 540390107022 Subtotal</u>	<u>218</u>
<u>BlockGroup: 540390107023</u>	<u>1198</u>
<u>BlockGroup: 540390107024</u>	<u>879</u>
<u>Tract 107.02 Subtotal</u>	<u>2295</u>
<u>Tract: 108.02</u>	<u>2932</u>
<u>Tract: 108.03</u>	<u>4421</u>
<u>Tract: 108.04 (part)</u>	
<u>BlockGroup: 540390108041</u>	
<u>Block: 540390108041067</u>	<u>0</u>
<u>Block: 540390108041068</u>	<u>0</u>
<u>Block: 540390108041069</u>	<u>118</u>
<u>Block: 540390108041070</u>	<u>143</u>
<u>Block: 540390108041071</u>	<u>2</u>
<u>Block: 540390108041072</u>	<u>0</u>
<u>Block: 540390108041073</u>	<u>13</u>
<u>Block: 540390108041074</u>	<u>0</u>
<u>Block: 540390108041077</u>	<u>8</u>
<u>Block: 540390108041078</u>	<u>3</u>
<u>BlockGroup 540390108041 Subtotal</u>	<u>287</u>

<u>BlockGroup: 540390108042</u>	
<u>Block: 540390108042041</u>	<u>2</u>
<u>BlockGroup 540390108042 Subtotal</u>	<u>2</u>
<u>Tract 108.04 Subtotal</u>	<u>289</u>
<u>Tract: 109</u>	<u>2125</u>
<u>Tract: 11 (part)</u>	
<u>BlockGroup: 540390011001</u>	<u>1004</u>
<u>Tract 11 Subtotal</u>	<u>1004</u>
<u>Tract: 110</u>	<u>4453</u>
<u>Tract: 111</u>	<u>4247</u>
<u>Tract: 112</u>	<u>3633</u>
<u>Tract: 113.01</u>	<u>2768</u>
<u>Tract: 113.02</u>	<u>5327</u>
<u>Tract: 114.01</u>	<u>2740</u>
<u>Tract: 114.02</u>	<u>3131</u>
<u>Tract: 115</u>	<u>4008</u>
<u>Tract: 118 (part)</u>	
<u>BlockGroup: 540390118001</u>	<u>468</u>
<u>BlockGroup: 540390118002</u>	<u>977</u>
<u>BlockGroup: 540390118003</u>	<u>592</u>
<u>BlockGroup: 540390118004</u>	<u>794</u>
<u>BlockGroup: 540390118005</u>	

<u>Block: 540390118005000</u>	<u>0</u>
<u>Block: 540390118005001</u>	<u>0</u>
<u>Block: 540390118005002</u>	<u>6</u>
<u>Block: 540390118005003</u>	<u>0</u>
<u>Block: 540390118005004</u>	<u>0</u>
<u>Block: 540390118005005</u>	<u>0</u>
<u>Block: 540390118005006</u>	<u>0</u>
<u>Block: 540390118005007</u>	<u>0</u>
<u>Block: 540390118005008</u>	<u>10</u>
<u>Block: 540390118005009</u>	<u>0</u>
<u>Block: 540390118005010</u>	<u>0</u>
<u>Block: 540390118005011</u>	<u>0</u>
<u>Block: 540390118005012</u>	<u>4</u>
<u>Block: 540390118005013</u>	<u>0</u>
<u>Block: 540390118005014</u>	<u>26</u>
<u>Block: 540390118005015</u>	<u>4</u>
<u>Block: 540390118005016</u>	<u>35</u>
<u>Block: 540390118005017</u>	<u>117</u>
<u>Block: 540390118005018</u>	<u>0</u>
<u>Block: 540390118005019</u>	<u>0</u>
<u>Block: 540390118005020</u>	<u>0</u>
<u>Block: 540390118005021</u>	<u>0</u>

<u>Block: 540390118005022</u>	<u>0</u>
<u>Block: 540390118005023</u>	<u>8</u>
<u>Block: 540390118005024</u>	<u>0</u>
<u>Block: 540390118005025</u>	<u>1</u>
<u>Block: 540390118005026</u>	<u>0</u>
<u>Block: 540390118005027</u>	<u>10</u>
<u>Block: 540390118005028</u>	<u>0</u>
<u>Block: 540390118005029</u>	<u>0</u>
<u>Block: 540390118005030</u>	<u>0</u>
<u>Block: 540390118005031</u>	<u>0</u>
<u>Block: 540390118005032</u>	<u>0</u>
<u>Block: 540390118005033</u>	<u>0</u>
<u>Block: 540390118005034</u>	<u>0</u>
<u>Block: 540390118005035</u>	<u>15</u>
<u>Block: 540390118005036</u>	<u>4</u>
<u>Block: 540390118005037</u>	<u>20</u>
<u>Block: 540390118005038</u>	<u>8</u>
<u>Block: 540390118005039</u>	<u>2</u>
<u>Block: 540390118005040</u>	<u>0</u>
<u>Block: 540390118005041</u>	<u>0</u>
<u>Block: 540390118005042</u>	<u>0</u>
<u>Block: 540390118005043</u>	<u>0</u>

<u>Block: 540390118005044</u>	<u>54</u>
<u>Block: 540390118005045</u>	<u>23</u>
<u>Block: 540390118005046</u>	<u>0</u>
<u>Block: 540390118005047</u>	<u>3</u>
<u>Block: 540390118005048</u>	<u>2</u>
<u>Block: 540390118005049</u>	<u>53</u>
<u>Block: 540390118005050</u>	<u>4</u>
<u>Block: 540390118005051</u>	<u>11</u>
<u>Block: 540390118005052</u>	<u>0</u>
<u>Block: 540390118005053</u>	<u>0</u>
<u>Block: 540390118005054</u>	<u>20</u>
<u>Block: 540390118005055</u>	<u>55</u>
<u>Block: 540390118005056</u>	<u>4</u>
<u>Block: 540390118005057</u>	<u>2</u>
<u>Block: 540390118005058</u>	<u>6</u>
<u>Block: 540390118005059</u>	<u>34</u>
<u>Block: 540390118005060</u>	<u>32</u>
<u>Block: 540390118005061</u>	<u>98</u>
<u>Block: 540390118005062</u>	<u>21</u>
<u>Block: 540390118005063</u>	<u>0</u>
<u>Block: 540390118005064</u>	<u>94</u>
<u>Block: 540390118005065</u>	<u>0</u>

<u>Block: 540390118005066</u>	<u>0</u>
<u>Block: 540390118005067</u>	<u>30</u>
<u>Block: 540390118005068</u>	<u>23</u>
<u>Block: 540390118005069</u>	<u>31</u>
<u>Block: 540390118005070</u>	<u>17</u>
<u>Block: 540390118005071</u>	<u>0</u>
<u>Block: 540390118005072</u>	<u>38</u>
<u>Block: 540390118005073</u>	<u>16</u>
<u>Block: 540390118005074</u>	<u>158</u>
<u>Block: 540390118005075</u>	<u>11</u>
<u>Block: 540390118005076</u>	<u>8</u>
<u>Block: 540390118005077</u>	<u>0</u>
<u>Block: 540390118005078</u>	<u>0</u>
<u>Block: 540390118005079</u>	<u>0</u>
<u>Block: 540390118005080</u>	<u>3</u>
<u>Block: 540390118005081</u>	<u>74</u>
<u>Block: 540390118005082</u>	<u>0</u>
<u>Block: 540390118005083</u>	<u>0</u>
<u>Block: 540390118005084</u>	<u>0</u>
<u>Block: 540390118005085</u>	<u>0</u>
<u>Block: 540390118005086</u>	<u>0</u>
<u>Block: 540390118005087</u>	<u>0</u>

<u>Block: 540390118005088</u>	<u>0</u>
<u>Block: 540390118005089</u>	<u>0</u>
<u>Block: 540390118005090</u>	<u>9</u>
<u>Block: 540390118005091</u>	<u>0</u>
<u>Block: 540390118005092</u>	<u>0</u>
<u>Block: 540390118005093</u>	<u>0</u>
<u>Block: 540390118005095</u>	<u>0</u>
<u>Block: 540390118005096</u>	<u>65</u>
<u>Block: 540390118005097</u>	<u>0</u>
<u>Block: 540390118005099</u>	<u>0</u>
<u>Block: 540390118005100</u>	<u>15</u>
<u>Block: 540390118005101</u>	<u>25</u>
<u>Block: 540390118005102</u>	<u>0</u>
<u>Block: 540390118005103</u>	<u>0</u>
<u>Block: 540390118005104</u>	<u>0</u>
<u>Block: 540390118005105</u>	<u>0</u>
<u>Block: 540390118005106</u>	<u>31</u>
<u>Block: 540390118005107</u>	<u>0</u>
<u>Block: 540390118005108</u>	<u>1</u>
<u>Block: 540390118005109</u>	<u>0</u>
<u>Block: 540390118005110</u>	<u>4</u>
<u>Block: 540390118005111</u>	<u>0</u>

Block: 540390118005112	0
Block: 540390118005113	0
Block: 540390118005114	5
Block: 540390118005115	20
Block: 540390118005116	53
Block: 540390118005117	18
Block: 540390118005118	18
BlockGroup 540390118005 Subtotal	1459
Tract 118 Subtotal	4290
Tract: 123.01 (part)	
BlockGroup: 540390123011	
Block: 540390123011000	8
Block: 540390123011001	100
Block: 540390123011002	0
Block: 540390123011003	12
Block: 540390123011004	1
Block: 540390123011005	0
Block: 540390123011006	12
Block: 540390123011007	5
Block: 540390123011008	10
Block: 540390123011009	46
Block: 540390123011010	2

<u>Block: 540390123011018</u>	<u>14</u>
<u>Block: 540390123011021</u>	<u>13</u>
<u>BlockGroup 540390123011 Subtotal</u>	<u>223</u>
<u>BlockGroup: 540390123012</u>	
<u>Block: 540390123012000</u>	<u>11</u>
<u>Block: 540390123012001</u>	<u>18</u>
<u>Block: 540390123012002</u>	<u>298</u>
<u>Block: 540390123012003</u>	<u>17</u>
<u>Block: 540390123012004</u>	<u>16</u>
<u>Block: 540390123012005</u>	<u>124</u>
<u>Block: 540390123012006</u>	<u>3</u>
<u>Block: 540390123012007</u>	<u>0</u>
<u>Block: 540390123012008</u>	<u>519</u>
<u>Block: 540390123012009</u>	<u>0</u>
<u>Block: 540390123012010</u>	<u>69</u>
<u>Block: 540390123012011</u>	<u>0</u>
<u>Block: 540390123012012</u>	<u>0</u>
<u>Block: 540390123012013</u>	<u>13</u>
<u>Block: 540390123012014</u>	<u>9</u>
<u>Block: 540390123012015</u>	<u>0</u>
<u>Block: 540390123012016</u>	<u>0</u>
<u>Block: 540390123012017</u>	<u>0</u>

<u>Block: 540390123012018</u>	<u>32</u>
<u>Block: 540390123012019</u>	<u>3</u>
<u>Block: 540390123012020</u>	<u>0</u>
<u>Block: 540390123012021</u>	<u>0</u>
<u>Block: 540390123012022</u>	<u>9</u>
<u>Block: 540390123012023</u>	<u>0</u>
<u>Block: 540390123012024</u>	<u>0</u>
<u>Block: 540390123012025</u>	<u>0</u>
<u>Block: 540390123012026</u>	<u>37</u>
<u>Block: 540390123012027</u>	<u>0</u>
<u>Block: 540390123012028</u>	<u>0</u>
<u>Block: 540390123012029</u>	<u>8</u>
<u>Block: 540390123012032</u>	<u>21</u>
<u>Block: 540390123012033</u>	<u>0</u>
<u>BlockGroup 540390123012 Subtotal</u>	<u>1207</u>
<u>BlockGroup: 540390123013</u>	
<u>Block: 540390123013000</u>	<u>12</u>
<u>Block: 540390123013006</u>	<u>4</u>
<u>Block: 540390123013013</u>	<u>0</u>
<u>Block: 540390123013014</u>	<u>75</u>
<u>Block: 540390123013015</u>	<u>32</u>
<u>Block: 540390123013016</u>	<u>0</u>

Block: 540390123013017	11
<hr/>	
BlockGroup 540390123013 Subtotal	134
<hr/>	
Tract 123.01 Subtotal	1564
<hr/>	
Tract: 123.02 (part)	
<hr/>	
BlockGroup: 540390123021	
<hr/>	
Block: 540390123021000	0
<hr/>	
Block: 540390123021001	0
<hr/>	
Block: 540390123021013	1
<hr/>	
Block: 540390123021014	2
<hr/>	
BlockGroup 540390123021 Subtotal	3
<hr/>	
BlockGroup: 540390123022	
<hr/>	
Block: 540390123022000	0
<hr/>	
Block: 540390123022001	0
<hr/>	
Block: 540390123022002	0
<hr/>	
Block: 540390123022003	0
<hr/>	
BlockGroup 540390123022 Subtotal	0
<hr/>	
Tract 123.02 Subtotal	3
<hr/>	
Tract: 128	4198
<hr/>	
Tract: 129	1234
<hr/>	
Tract: 130.01	2094
<hr/>	
Tract: 130.02	2384
<hr/>	
Tract: 131	4270
<hr/>	

<u>Tract: 132 (part)</u>	
BlockGroup: 540390132001	724
BlockGroup: 540390132002	968
BlockGroup: 540390132003	1172
BlockGroup: 540390132004	
Block: 540390132004020	17
Block: 540390132004022	8
BlockGroup 540390132004 Subtotal	25
Tract 132 Subtotal	2889
Tract: 133	2543
Tract: 134	1993
Tract: 135	2752
<u>Tract: 136 (part)</u>	
BlockGroup: 540390136001	1026
BlockGroup: 540390136002	
Block: 540390136002000	178
Block: 540390136002008	1
BlockGroup 540390136002 Subtotal	179
BlockGroup: 540390136003	898
BlockGroup: 540390136004	
Block: 540390136004000	159
Block: 540390136004001	9

Block: 540390136004002	114
Block: 540390136004003	13
Block: 540390136004004	167
Block: 540390136004005	0
Block: 540390136004006	63
Block: 540390136004007	164
Block: 540390136004009	0
Block: 540390136004010	3
Block: 540390136004011	9
Block: 540390136004012	20
BlockGroup 540390136004 Subtotal	721
Tract 136 Subtotal	2824
Tract: 15	4578
Tract: 17	1608
Tract: 18	2686
Tract: 19.01	3672
Tract: 19.02	3666
Tract: 20	2894
Tract: 21	4783
County Kanawha WV Subtotal	100298
District 17 Total	100298

(e) The West Virginia Constitution further provides, in section four, article VI thereof, that where a senatorial district is composed

of more than one county, both senators for such district shall not be chosen from the same county, a residency dispersal provision which is clear with respect to senatorial districts which follow county lines, as required by such Constitution, but which is not clear in application with respect to senatorial districts which cross county lines. However, in an effort to adhere as closely as possible to the West Virginia Constitution in this regard, the following additional provisions, in furtherance of the rationale of such residency dispersal provision and to give meaning and effect thereto, are hereby established:

(1) With respect to a senatorial district which is composed of one or more whole counties and one or more parts of another county or counties, no more than one senator shall be chosen from the same county or from the same part or parts of a county to represent such senatorial district; and

(2) With respect to a senatorial district which does not contain any whole county but only parts of two or more counties, no more than one senator shall be chosen from the same part or parts of a county to represent such senatorial district; and.

~~(3) With respect to superimposed senatorial districts which contain only one whole county, all senators shall be chosen from such county to represent such senatorial districts.~~

(f) Candidates for the Senate shall be nominated as provided in ~~section four, article five, chapter three §3-5-4~~ of this code, except that such candidates shall be nominated in accordance with the residency dispersal provisions specified in section four, article VI of the West Virginia Constitution and the additional residency dispersal provisions specified in subsection (e) of this section. Candidates for the Senate shall also be elected in accordance with the residency dispersal provisions specified in said section and the additional residency dispersal provisions specified in subsection (e) of this section. In furtherance of the foregoing provisions of this subsection, no person may file a certificate of candidacy for election from a multi-county senatorial district described and constituted in subsection (d) of this section if he or she resides in the same county ~~and the same such senatorial district wherein also~~

~~resides as an incumbent senator whose residence is located within that district, whether or not the senatorial numerical designation of that district wherein such incumbent senator resides was is the same as the numerical designation of the district described and constituted by chapter ~~ten~~ six, Acts of the Legislature, ~~Fifth~~ First Extraordinary Session 2001, or was described and constituted in subsection (d) of this section or its immediately prior enactment 2011 wherein the incumbent senator resides.~~ Any vacancy in a nomination shall be filled, any appointment to fill a vacancy in the Senate shall be made, and any candidates in an election to fill a vacancy in the Senate shall be chosen so as to be consistent with the residency dispersal provisions specified in section four, article VI of the West Virginia Constitution and the additional residency dispersal provisions specified in subsection (e) of this section.

(g) Regardless of the changes in senatorial district boundaries made by the provisions of subsection (d) of this section, ~~all senators each senator~~ elected at the general election held in the year ~~2008~~ 2018 and at the general election held in the year ~~2010~~ 2020 shall continue to hold ~~their seats his or her seat as members~~ a member of the Senate for the term, and as ~~representatives~~ a representative of the senatorial district, for which ~~each thereof, respectively,~~ he or she was elected. Any appointment made or election held to fill a vacancy in the Senate shall be for the remainder of the term and as a representative of the senatorial district, for which the vacating senator was elected or appointed, and any such election shall be held in the district as the same was described and constituted at the time the vacating senator was elected or appointed.

(h) The Secretary of State may promulgate rules and regulations to implement the provisions of this section, including emergency rules and regulations promulgated pursuant to the provisions of ~~section five, article three, chapter twenty nine~~ §29A-3-5 of this code.

§1-2-2b. Precinct and magisterial district boundary changes; notice.

(a) If an election precinct of this state includes territory contained in more than one senatorial or delegate district, as such

senatorial districts are established by ~~section one of this article §1-2-1 of this Code~~ and as such delegate districts are established by ~~section two of this article §1-2-2 of this Code~~, or if following the legislative redistricting accomplished in §1-2-1 or §1-2-2 of this Code an election precinct change, division, or consolidation is necessary pursuant to §3-1-7 of this Code, the county commission of the county in which the precinct is located shall, prior to January 21, 2012 22, 2022, alter the boundary lines of its election precincts so that no precinct contains territory included in more than one senatorial or delegate district. Notice of the proposed precinct changes shall be published via Class II-0 legal advertisement.

(b) If a magisterial district boundary change is required pursuant to §7-2-2 of this Code following the legislative redistricting accomplished §1-2-1 or §1-2-2 of this Code, notice of the proposed magisterial district boundary changes shall be published in the manner prescribed in §7-2-2 of this Code for a period of no less than 14 consecutive days prior to the term of court at which such action is proposed to be taken: *Provided, That this subsection shall only apply to magisterial district boundary changes prior to January 22, 2022.*”

The bill was then ordered to third reading.

The bill was then read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 839**), and there were, including pairs—yeas 72, nays 19, absent and not voting 9, with the paired, the nays and the absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: J. Kelly

Nay: Williams

Nays: Barach, Boggs, Diserio, Doyle, Evans, Fleischauer, Fluharty, Garcia, Hansen, Hornbuckle, Lovejoy, Pushkin, Rowe, Skaff, Thompson, Walker, Young and Zukoff.

Absent and Not Voting: Brown, Griffith, Hardy, Holstein, Kessinger, Pack, Reed, Riley and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 3034) passed.

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

On this question, the yeas and nays were taken (**Roll No. 840**), and there were—yeas 79, nays 10, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Barach, Doyle, Fleischauer, Fluharty, Hansen, Hornbuckle, Pushkin, Thompson, Walker and Young.

Absent and Not Voting: Brown, Griffith, Hardy, Holstein, J. Kelly, Kessinger, Pack, Reed, Riley, Westfall and Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3034) takes effect from its passage.

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

Special Calendar

Second Reading

Com. Sub. for H. B. 337, Making supplementary appropriation to the Department of Economic Development, Office of the Secretary; on second reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Summers, the bill was laid upon the table.

Com. Sub. for H. B. 338, Making supplementary appropriation of federal funds to the Governor's Office, Coronavirus State Fiscal Recovery Fund; on second reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Summers, the bill was laid upon the table.

H. B. 339, Creating the Broadband Development Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

On this question, the yeas and nays were taken (**Roll No. 841**), and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Hardy, Holstein, J. Kelly, Kessinger, Pack, Reed, Riley, Westfall and Williams.

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

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 842**), and there were—yeas 87, nays 2, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: McGeehan and Miller.

Absent and Not Voting: Brown, Griffith, Hardy, Holstein, J. Kelly, Kessinger, Pack, Reed, Riley, Westfall and Williams.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 339) passed.

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

On this question, the yeas and nays were taken (**Roll No. 843**), and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Hardy, Holstein, J. Kelly, Kessinger, Pack, Reed, Riley, Westfall and Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 339) takes effect from its passage.

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

Messages from the Senate

A message from the Senate, by

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

S. B. 3040 – “A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 0256, fiscal year 2022, organization 0307, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the Budget Bill, for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3040) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 844**), and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Hardy, Holstein, J. Kelly, Kessinger, Pack, Reed, Riley, Westfall and Williams.

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

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

The bill was then read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 845**), and there were—yeas 85, nays 4, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Foster, Longanacre, Paynter and Steele.

Absent and Not Voting: Brown, Griffith, Hardy, Holstein, J. Kelly, Kessinger, Pack, Reed, Riley, Westfall and Williams.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3040) passed.

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

On this question, the yeas and nays were taken (**Roll No. 846**), and there were—yeas 88, nays 1, absent and not voting 11, with the nays and the absent and not voting being as follows:

Nays: Steele.

Absent and Not Voting: Brown, Griffith, Hardy, Holstein, J. Kelly, Kessinger, Pack, Reed, Riley, Westfall and Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3040) takes effect from its passage.

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 3041 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Governor’s Office, Coronavirus State Fiscal Recovery Fund, fund 8823, fiscal year 2022, organization 0100, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the Budget Bill, for the fiscal year ending June 30, 2022.”

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 3041) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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

On this question, the yeas and nays were taken (**Roll No. 847**), and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Hardy, Holstein, J. Kelly, Kessinger, Pack, Reed, Riley, Westfall and Williams.

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

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

The bill was then read a third time and put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 848**), and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Hardy, Holstein, J. Kelly, Kessinger, Pack, Reed, Riley, Westfall and Williams.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3041) passed.

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

On this question, the yeas and nays were taken (**Roll No. 849**), and there were—yeas 89, nays none, absent and not voting 11, with the absent and not voting being as follows:

Absent and Not Voting: Brown, Griffith, Hardy, Holstein, J. Kelly, Kessinger, Pack, Reed, Riley, Westfall and Williams.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 3041) takes effect from its passage.

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

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Brown, Griffith, Hardy, Holstein, J. Kelly, Kessinger, Pack, Reed, Riley, Westfall and Williams.

Messages from the Senate

A message from the Senate, by Senator Rucker, accompanied by Senators Brown and Roberts, announced that the Senate had completed the business of this Third Extraordinary Session and was ready to adjourn *sine die*.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had completed this business of this Third Extraordinary Session of the 85th Legislature and was ready to adjourn *sine die*.

Whereupon,

The Speaker appointed as members of said committee the following:

Delegates Graves, Phillips and Boggs.

On motion of Delegate Summers, the Speaker was authorized to appoint a committee of three on the part of the House of Delegates, to join with a similar committee of the Senate, to inform His Excellency, the Governor, that the Legislature was ready to adjourn *sine die*.

The Speaker appointed as members of such committee the following:

Delegates Steele, Foster and Brown.

A message from the Senate, by

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

S. B. 3034, Dividing state into senatorial districts.

Committee Reports

In accordance with House Rule 68, Delegate D. Jeffries, Chair of the Joint Committee on Enrolled Bills, filed the following reports with the Clerk:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 22nd day of October, 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:

H. B. 301, Reapportioning House of Delegates Districts,

H. B. 335, Relating to COVID-19 immunizations requirements for employment in the public and private sectors,

H. B. 336, Supplementing and amending appropriations to the Department of Homeland Security, Division of Justice and Community Services,

And,

H. B. 339, Creating the Broadband Development Fund.

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 22nd day of October, 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:

S. B. 3034, Dividing state into senatorial districts,

S. B. 3040, Making supplemental appropriation to Department of Economic Development, Office of the Secretary,

And,

S. B. 3041, Making supplementary appropriation to Governor's Office, Coronavirus State Fiscal Recovery Fund.

Messages from the Executive

Subsequent to the adjournment of the session, communications were received from His Excellency, the Governor, advising that on October 22, 2021, he approved H. B. 301, H. B. 335, H. B. 336, H. B. 339, S. B. 3001, S. B. 3002, S. B. 3003, S. B. 3004, S. B. 3005, S. B. 3006, S. B. 3007, S. B. 3008, S. B. 3009, S. B. 3010, S. B. 3011, S. B. 3012, S. B. 3013, S. B. 3014, S. B. 3015, S. B. 3016, S. B. 3017, S. B. 3018, S. B. 3019, S. B. 3020, S. B. 3021, S. B. 3022, S. B. 3023, S. B. 3024, S. B. 3025, S. B. 3026, S. B. 3027, S. B. 3028, S. B. 3029, S. B. 3030, S. B. 3031, S. B. 3032, S. B. 3033, S. B. 3034, S. B. 3040 and S. B. 3041.

Miscellaneous Business

Pursuant to House Rule 132, consent was obtained to print the following in the Appendix to the Journal:

- Farewell speech of Delegate Higginbotham

At 7:35 p.m., on motion of Delegate Summers, the House of Delegates adjourned *sine die*.

We hereby certify that the forgoing record of the proceedings of the House of Delegates, Third Extraordinary Session, 2021, is the Official Journal of the House of Delegates for said session.

Roger Hanshaw
Speaker of the House of Delegates

Stephen J. Harrison
Clerk of the House of Delegates

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Cosponsor, added as	521, 698
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FLEISCHAUER, BARBARA EVANS, a Democrat from the Fifty-first Delegate District:

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FLUHARTY, SHAWN, a Democrat from the Third Delegate District:	
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Cosponsor:	
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HANSHAW, ROGER, a Republican from the Thirty-third Delegate District:

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Bills introduced by	119, 243, 268, 269, 270, 273, 287, 288, 340, 342, 348, 374, 379, 466, 568, 601, 614, 615, 616, 730, 731, 732, 831, 834, 836, 860, 943, 1063, 1065, 1227, 1228, 1375, 1376, 1377, 1558, 1559, 2371, 2372, 4404, 4406, 4444, 4445, 4446, 4447, 4448, 4449, 4451, 4452, 4453, 4454, 4522, 4523, 4524, 4525, 4526, 4527, 4528, 4529, 4530, 4531, 4549, 4623, 4624
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Cosponsor, added as	847, 1176, 1572
Reports by, as Chair of the Committee on Rules	1175, 1573, 1621, 1663, 1664, 1766, 1889, 2529, 2586, 2640, 2817, 2979, 3013, 3014, 3242
Resolutions offered by	25, 30, 104, 105, 106, 111, 116, 117, 586, 825, 994, 1039, 1091, 1585, 1646, 1768, 2552, 2607, 3833, 3834, 4832
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HARDY, JOHN, a Republican from the Sixty-third Delegate District:

Bills introduced by	217, 307, 308, 353, 403, 504, 537, 566, 643, 770, 834, 835, 836, 838, 839, 861, 946, 973, 987, 1098, 1156, 1548, 1679, 1680, 2524
Cosponsor, added as	847
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HAYNES, AUSTIN, a Republican from the Thirty-second Delegate District:

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Cosponsor:	
Added as	458, 1081, 1773
Removed as	1390, 1391
Resolutions offered by	339, 493, 531, 596, 763, 932, 937, 966, 994, 1041, 1047, 1198, 1374, 2559, 2825, 2876, 3778

HIGGINBOTHAM, JOSHUA, a Republican from the Thirteenth Delegate District:

Bills introduced by	127, 128, 129, 130, 132, 273, 274, 275, 278, 285, 286, 287, 306, 312, 333, 343, 344, 373, 402, 427, 447, 451, 502, 509, 510, 538, 544, 577, 616, 645, 646, 647, 651, 727, 728, 754, 837, 838, 860, 948, 951, 985, 986, 1064, 1065, 1099, 1106, 1107, 1205, 1211, 1395, 1396, 1580
Cosponsor:	
Added as	435, 698, 699, 966, 1252
Removed as	809
Leave of absence granted to	368, 476, 846, 1538, 2583
Remarks by, ordered printed	4988
Resolutions offered by	267, 305, 563, 635, 716, 718, 761, 830, 932, 935, 937, 994, 1051, 1586, 1768, 2818, 3014, 3782

HOLSTEIN, JOSH, a Republican from the Twenty-third Delegate District:

Bills introduced by..... 120, 123, 124, 125, 126,
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 836, 837, 859, 861, 862, 988, 991, 1009, 1062, 1100, 1103, 1104, 1157, 1159, 1160, 1161, 1205, 1221,
 1228, 1252

Cosponsor, added as 243, 847, 1321, 1773

Excused from voting, requested..... 621

Leave of absence granted to.....4986

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 3781, 3783, 3832

HORNBUCKLE, SEAN, a Democrat from the Sixteenth Delegate District:

Bills introduced by..... 306, 495, 496, 497, 498,
 499, 501, 502, 516, 543, 614, 615, 618, 640, 649, 650, 770, 838, 946, 950, 984, 985, 1106, 1107, 1110,
 1157, 1211, 1213, 1214, 1215, 1216, 1218, 1222, 1223, 1225, 1227, 1234, 1548, 2524, 4635

Cosponsor, added as 435, 808, 966, 2445, 4505

Leave of absence granted to..... 621

Remarks by, ordered printed..... 390

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 1160, 1205, 1211, 1335, 1542, 1580, 1581

Cosponsor:

Added as 243, 331, 435, 966, 1252

Removed as 809, 848

Resolutions offered by 247, 248, 339, 441, 583,
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HOTT, JOHN PAUL, a Republican from the Fifty-fourth Delegate District:

Bills introduced by..... 119, 130, 153, 154, 164,
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 542, 543, 613, 729, 839, 856, 861, 1062, 1090, 1099, 1218, 1548, 4635

Cosponsor, added as391, 421, 752, 1252, 1390,
 1487, 1677

Resolutions offered by 493, 531, 584, 635, 761,
 935, 937, 941, 986, 994, 1055, 1198, 3780

HOUSEHOLDER, ERIC L., a Republican from the Sixty-fourth Delegate District:

Bills introduced by..... 345, 346, 347, 348, 349,
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 2649, 2650, 2819, 2820, 3015, 3242, 4537, 4539, 4540, 4560, 4634, 4635

Resolutions offered by 532, 932, 937, 940, 994,
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HOWELL, GARY G., a Republican from the Fifty-sixth Delegate District:

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Cosponsor, added as1008

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Cosponsor, added as	435, 847, 1252
Reports by, as Chair of the Committee on Enrolled Bills.....	527, 707, 816, 851, 1014, 1015, 1148, 1188, 1400, 1549, 1635, 1636, 1664, 1767, 1892, 1893, 2358, 2359, 2518, 2519, 2520, 2585, 2586, 2642, 2821, 2933, 3073, 3074, 3242, 4418, 4503, 4637, 4638, 4639, 4640, 4987
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JENNINGS, D. ROLLAND, a Republican from the Fifty-third Delegate District:	
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MALLOW, PHIL, a Republican from the Fiftieth Delegate District:	
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MANDT, JOHN, a Republican from the Sixteenth Delegate District:	
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Cosponsor, added as 435, 699, 966, 1677, 1687

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PAYNTER, TONY, a Republican from the Twenty-fifth Delegate District:

Bills introduced by.....	149, 150, 154, 159, 177, 178, 181, 184, 186, 193, 215, 222, 308, 309, 310, 345, 347, 349, 350, 351, 467, 499, 528, 536, 537, 615, 618, 645, 722, 830, 832, 838, 839, 856, 860, 861, 945, 949, 950, 1065, 1099, 1100, 1157, 1210, 1231, 1235
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Cosponsor, added as 548, 1081, 1321
 Resolutions offered by 267, 485, 493, 532, 638,
 652, 653, 763, 937, 994, 1058, 1199, 1646, 2559, 2606, 2825

PETHTEL, DAVE, a Democrat from the Fifth Delegate District:

Appointed on a special committee to notify
 the Senate that the House was ready to adjourn *sine die* 4417
 Bills introduced by 150, 171, 466, 614, 615,
 644, 651, 653, 723, 856, 988, 1210, 1221, 1679, 1680
 Remarks by, ordered printed 4577
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 937, 994, 1557, 1586, 1781, 1903, 2559, 2823

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 Hansen 984
 Pushkin 984
 Rowe 984
 Young 984

PHILLIPS, CHRIS, a Republican from the Forty-seventh Delegate District:

Appointed on special committees:
 To inform the Governor that the Legislature had assembled 25
 To inform the Governor that the Legislature had assembled
 in extraordinary session 4392, 4422, 4510
 To notify His Excellency, the Governor, that the Legislature
 was ready to adjourn *sine die* 4987
 To wait upon the Governor 117
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 309, 310, 427, 445, 467, 468, 511, 524, 528, 537, 538, 644, 859, 863, 947, 1062, 1157, 1158, 1160,
 1212
 Cosponsor, added as 698, 966, 1252, 1488
 Reports by, as Chair of the Committee on Agriculture 425, 756, 977,
 1333, 1631
 Resolutions offered by 493, 531, 584, 588, 635,
 761, 932, 937, 947, 994, 1055, 1199, 1586, 1646, 1782, 2559, 2601, 2825, 3783, 3832

PINSON, JONATHAN, a Republican from the Thirteenth Delegate District:

Bills introduced by 123, 129, 130, 305, 306,
 308, 309, 347, 354, 380, 427, 428, 445, 505, 524, 537, 538, 539, 599, 729, 770, 834, 839, 862, 953,
 1088, 1101, 1104, 1147, 1622
 Cosponsor, added as 548, 1008, 1487, 1676
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 Remarks by, ordered printed 458
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PRITT, CHRIS, a Republican from the Thirty-sixth Delegate District:

Bills introduced by 129, 130, 217, 247, 352,
 380, 445, 446, 467, 503, 540, 618, 644, 856, 861, 953, 954, 955, 956, 973, 986, 1062, 1102, 1103, 1104,
 1229, 1230
 Cosponsor, added as 421, 434, 966
 Excused from voting, requested 907
 Previous question demanded by 4353
 Resolutions offered by 485, 493, 532, 584, 761,
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PUSHKIN, MIKE, a Democrat from the Thirty-seventh District:	
Bills introduced by.....	305, 358, 377, 378, 379, 380, 381, 382, 383, 384, 407, 447, 544, 545, 618, 753, 831, 833, 856, 858, 860, 946, 948, 950, 984, 986, 1009, 1088, 1100, 1103, 1106, 1107, 1108, 1157, 1158, 1163, 1164, 1209, 1214, 1215, 1223, 1229, 1234, 1491, 1622
Cosponsor, added as	369, 422, 476, 847, 913, 1081
Excused from voting, requested.....	2381, 2952
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QUEEN, BEN, a Republican from the Forty-eighth Delegate District:	
Bills introduced by.....	119, 284, 311, 346, 405, 428, 504, 505, 524, 596, 646, 722, 729, 769, 952, 956, 988, 1088, 1100, 1157, 1211, 1217, 1622, 1765
Cosponsor, added as	331, 669
Excused from voting, requested.....	2983
Reports by, as Chair of the Committee on Small Business, Entrepreneurship, and Economic Development	758, 1013
Resolutions offered by	611, 761, 828, 932, 937, 994
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Motion.....	444, 2931, 3785
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REED, KEN, a Republican from the Fifty-ninth Delegate District:	
Bills introduced by.....	120, 130, 215, 216, 438, 471, 536, 541, 613, 753, 836, 859, 948, 949, 985, 987, 1009, 1090
Cosponsor, added as	421, 752, 1677
Excused from voting, requested.....	411, 742
Leave of absence granted to.....	4986
Resolutions offered by.....	248, 532, 761, 930, 932, 941, 974, 994, 1502, 1586, 2557, 2643, 2645, 2647, 2648, 3780, 3781, 3783, 3832
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REYNOLDS, CHARLIE, a Republican from the Fourth Delegate District:	
Bills introduced by.....	123, 128, 129, 130, 132, 377, 467, 538, 539, 540, 541, 542, 566, 613, 614, 769, 860, 861, 862, 986, 1063, 1108, 1161, 1217, 1234
Cosponsor:	
Added as.....	391, 698, 808, 966
Removed as	422
Resolutions offered by	248, 493, 532, 584, 761, 935, 937, 941, 994, 1047, 1055, 1586, 1646, 1784, 2496, 2825, 3781, 3783, 3822
RILEY, CLAY, a Republican from the Forty-eighth Delegate District:	
Bills introduced by.....	119, 120, 123, 403, 427, 467, 504, 536, 573, 598, 614, 730, 863, 973, 987, 1065, 1100, 1109, 1157, 1160, 1199, 1207, 1217, 1234, 1390, 4635
Cosponsor:	
Added as.....	522, 699, 847, 1141
Removed as	2256
Excused from voting, requested.....	429
Leave of absence granted to.....	607, 4986

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941, 994, 1586, 1784, 1907

ROHRBACH, MATTHEW, a Republican from the Seventeenth Delegate District:
Bills introduced by..... 123, 130, 153, 155, 160,
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973, 974, 1009, 1064, 1065, 1102, 1214, 1396, 1548, 1740, 2524, 4534, 4635
Cosponsor, added as 699, 847, 1176, 1572
Resolutions offered by 249, 493, 584, 594, 611,
613, 614, 615, 761, 937, 941, 994, 1055, 1056, 1553, 1586, 1646, 1764, 2643, 2645, 2647, 2648, 2825

ROWAN, RUTH, a Republican from the Fifty-seventh Delegate District:
Appointed on special committees:
 To inform the Governor that the Legislature had assembled 25
 To inform the Governor that the Legislature had assembled
 in extraordinary session 4392, 4422, 4510
 To wait upon the Governor 117
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Cosponsor, added as 548, 699, 809, 1141, 1177
Reports by, as Chair of the Committee on Senior, Children and
 Family Issues 549, 1010, 1011, 1330
Resolutions offered by 761, 937, 941, 974, 994,
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ROWE, LARRY L., a Democrat from the Thirty-sixth Delegate District:
Bills introduced by..... 155, 156, 157, 158, 190,
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Cosponsor:
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SMITH, DOUG, a Republican from the Twenty-seventh Delegate District:

Bills introduced by..... 123, 128, 132, 213, 214,
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 1396
 Cosponsor, added as 434, 459, 808, 847,
 966, 1081, 1677
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STATLER, JOE, a Republican from the Fifty-first Delegate District:	
Bills introduced by.....	120, 129, 308, 309, 310, 404, 450, 512, 535, 613, 616, 647, 652, 653, 730, 833, 856, 863, 988, 1157, 1159, 2524, 4534, 4635
Cosponsor, added as	522, 966
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STEELE, BRANDON, a Republican from the Twenty-ninth Delegate District:	
Appointed on a Special Committee to inform His Excellency, the Governor, that the Legislature was ready to adjourn <i>sine die</i>	
	4987
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Cosponsor, added as	391, 751, 847, 966
Excused from voting, requested.....	2382
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Previous question demanded by.....	4361
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Cosponsor, added as	288, 1677
Paired	4630
Reports by, as Chair of the Committee on Pensions and Retirement.....	755, 756, 1013, 1632
Resolutions offered by.....	532, 584, 761, 937, 941, 1055, 1557, 1586, 1646, 1784, 2557, 2559, 2768, 2825, 3781
SUMMERS, AMY, a Republican from the Forty-ninth Delegate District:	
Appointed on Conference Committee as to Com. Sub. for H. B. 2263.....	
	2526
Bills introduced by.....	123, 129, 160, 213, 214, 215, 217, 306, 308, 404, 427, 428, 438, 467, 468, 471, 505, 511, 514, 535, 537, 541, 548, 598, 599, 614, 616, 621, 722, 724, 725, 769, 834, 835, 1160, 1161, 1208, 1231, 1398, 4534, 4549
Cosponsor, added as	434, 808
Motions by.....	24, 1648, 2396, 4389, 4404
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Remarks by, ordered printed.....	458, 1572
Resolutions offered by.....	932, 937, 974, 994, 1553, 1646, 1903, 2643, 2645, 2647, 2648, 2823, 2825, 3068, 3070

SYPOLT, TERRI, a Republican from the Fifty-second Delegate District:

Bills introduced by.....	120, 123, 158, 159, 164, 170, 171, 191, 216, 221, 222, 306, 308, 309, 310, 427, 445, 467, 505, 511, 528, 599, 726, 861, 862, 1157, 1211, 1212, 1226
Cosponsor, added as	243, 548, 847, 966, 1081, 1252
Resolutions offered by	339, 532, 543, 584, 761, 932, 937, 994, 1200, 1455, 1586, 1903, 2823, 2825, 3832

THOMPSON, CODY, a Democrat from the Forty-third Delegate District:

Bills introduced by.....	155, 156, 170, 179, 306, 509, 640, 646, 647, 649, 650, 831, 832, 833, 862, 946, 949, 950, 973, 984, 985, 986, 1101, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1157, 1163, 1164, 1165, 1209, 1210, 1214, 1216, 1217, 1218, 1223, 1231, 1234
Cosponsor:	
Added as.....	698, 809, 1008, 1321
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Excused from voting, requested.....	742, 2986, 4281
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Remarks by, ordered printed.....	390
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TONEY, CHRIS, a Republican from the Thirty-first Delegate District:

Bills introduced by.....	123, 130, 150, 153, 154, 166, 169, 177, 178, 181, 215, 220, 222, 274, 275, 278, 286, 306, 310, 599, 615, 618, 645, 650, 652, 653, 722, 860, 951, 1063, 1104, 1205, 1215, 1223, 1225, 1235, 1395, 1396, 2524
Cosponsor:	
Added as.....	331, 434, 548, 573, 808, 966
Removed as	1177
Resolutions offered by	493, 531, 542, 635, 937, 947, 949, 994, 1055, 1056, 1058, 1308, 1586, 1646, 1768, 1784

TULLY, HEATHER, a Republican from the Forty-first Delegate District:

Bills introduced by.....	123, 130, 308, 467, 468, 505, 514, 542, 577, 653, 839, 952, 973, 1335, 1395, 1396
Cosponsor, added as	435, 522, 699, 808, 966, 1008
Excused from voting, requested.....	1237, 1512, 1914, 1915, 2990, 4353
Remarks by, ordered printed.....	1572
Resolutions offered by	531, 596, 614, 937, 974, 994, 1055, 1199, 1586, 1646, 2496, 2818, 2825, 3822

WALKER, DANIELLE, a Democrat from the Fifty-first Delegate District:

Bills introduced by.....	305, 447, 450, 451, 472, 498, 499, 500, 502, 504, 509, 512, 538, 545, 567, 640, 646, 647, 649, 650, 724, 753, 832, 833, 862, 946, 949, 950, 984, 985, 986, 1009, 1103, 1106, 1107, 1108, 1109, 1110, 1157, 1163, 1164, 1205, 1209, 1210, 1215, 1216, 1223, 1226, 1227
Cosponsor, added as	331, 421, 434, 435, 459, 521, 522, 698, 752, 809, 847, 913, 1081
Leave of absence, granted to.....	4417
Remarks by, ordered printed.....	458, 1619, 4505
Resolutions offered by	532, 638, 761, 937, 974, 994, 1151, 1156, 1200, 1371, 1586, 1781, 1903, 2643, 2645, 2647, 2823, 3782

WAMSLEY, JOHNNIE, a Republican from the Fourteenth Delegate District:

Bills introduced by.....	128, 129, 352, 354, 404, 427, 467, 503, 538, 577, 615, 618, 644, 647, 648, 724, 763, 765, 766, 769, 839, 861, 946, 948, 1062, 1063, 1064, 1106, 1210, 1231, 1580
Cosponsor, added as	391, 434, 458, 548, 607, 699, 966
Previous question demanded by.....	4281
Resolutions offered by	248, 339, 485, 486, 493, 532, 563, 596, 598, 635, 761, 769, 932, 935, 937, 994, 1051, 1199, 1586, 1907, 2825, 3781, 3782, 3822

WARD, BRYAN, a Republican from the Fifty-fifth Delegate District:

Bills introduced by..... 123, 132, 305, 308, 309,
 310, 348, 350, 427, 467, 524, 537, 539, 729, 859, 987, 1063, 1102, 1622

Cosponsor, added as 434, 435, 522, 1177

Excused from voting, requested.....2983

Resolutions offered by..... 339, 441, 486, 531, 583,
 761, 932, 937, 994, 1047, 1055, 2555, 2825, 2876

WARD, GUY, a Republican from the Fiftieth Delegate District:

Bills introduced by..... 119, 123, 132, 213, 214,
 215, 216, 427, 468, 471, 509, 598, 647, 856, 861, 947, 1099, 1100, 1158, 1210, 1211, 1231

Cosponsor, added as435, 966

Excused from voting, requested.....2382

Resolutions offered by..... 493, 532, 761, 932, 937,
 941, 974, 994, 1055, 1197, 1586, 1903, 2643, 2645, 2647, 2648, 2823, 2825, 3778, 3781, 3782, 3832

WESTFALL, STEVE, a Republican from the Twelfth Delegate District:

Bills introduced by..... 119, 123, 132, 155, 198,
 247, 282, 310, 311, 346, 404, 406, 467, 506, 507, 508, 509, 511, 524, 528, 540, 541, 542, 543, 597,
 613, 646, 651, 725, 729, 839, 856, 860, 863, 956, 987, 988, 991, 1090, 1099, 1111, 1147, 1156, 1210,
 1218, 1575, 1622

Cosponsor:

 Added as331, 476, 752

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Leave of absence granted to..... 607, 698, 4417, 4986

Motions by.....3785

Paired3670

Reports by, as Chair of the Committee on Banking and Insurance.....437,
 551, 552, 755, 1090

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Cosponsor, added as 421, 422, 809, 1676

Leave of absence granted to.....4503, 4986

Paired4613, 4980

Resolutions offered by..... 761, 937, 941, 942, 994,
 1200, 1586, 1781, 1903, 2823, 3782

WORRELL, EVAN, a Republican from the Eighteenth Delegate District:

Bills introduced by..... 123, 203, 214, 215, 537,
 539, 541, 599, 724, 770, 833, 838, 839, 946, 948, 949, 950, 987, 992, 1062, 1064, 1108, 1214, 1231

Cosponsor, added as 369, 608, 752, 847, 966, 1321, 1487, 1488, 1677

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Resolutions offered by 611, 761, 930, 932, 937,
 941, 994, 2825, 3780, 3781, 3783, 3832

YOUNG, KAYLA, a Democrat from the Thirty-fifth Delegate District:

Bills introduced by..... 305, 408, 409, 528, 538,
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 1165, 1209, 1210, 1213, 1215, 1220, 1223, 1225, 1226, 1227, 1229, 1233, 1491, 1555

Cosponsor, added as 331, 434, 435, 459, 476,
 477, 548, 808, 846, 847, 1141, 2827

Leave of absence granted to.....4503

Petitions presented by 984

Resolutions offered by 532, 638, 761, 938, 941,
 942, 994, 1156, 1557, 1586, 1781, 1903, 2823, 2874, 3782

ZATEZALO, MARK P., a Republican from the First Delegate District:

Bills introduced by..... 283, 350, 351, 428, 536,
 613, 647, 856, 860, 862, 863, 986, 991, 1063, 1099

Cosponsor, added as	522
Reports by, as Chair of the Committee on Workforce Development.....	425,
1326, 1397, 1630	
Resolutions offered by	339, 532, 761, 938, 994,
1502, 1903, 2823, 2825, 3778	
ZUKOFF, LISA, a Democrat from the Fourth Delegate District:	
Bills introduced by.....	153, 161, 172, 199, 202,
306, 344, 357, 377, 450, 451, 500, 502, 505, 537, 538, 545, 565, 596, 724, 831, 832, 833, 945, 946,	
950, 952, 985, 986, 987, 1100, 1101, 1106, 1107, 1108, 1109, 1110, 1163, 1164, 1216, 1217, 1218,	
1225, 1226, 1227, 1491	
Cosponsor, added as	476, 522, 1081, 1141, 1773, 2827
Resolutions offered by.....	494, 532, 761, 938, 941,
942, 994, 1045, 1156, 1557, 1586, 1781, 1903, 2823, 3782	
Seconded nomination for Doug Skaff for Speaker	13

REGULAR SESSION, 2021

*Denotes Committee Substitute

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2001 -	By Delegates Hanshaw (Mr. Speaker), Queen, Barrett, Ward, G., Hott, Maynard, Pack, J., Riley, Pack, L., Rowan, and Westfall: Relating generally to creating the West Virginia Jumpstart Savings Program (Chapter 281, Acts, Regular Session, 2021)	119	265	1015, 1036	386, 1037	1015	120, 330, 340, 358, 385, 386, 1037, 1188, 1401
*2002 -	By Delegates Linville, Capito, Holstein, Ferrell, Miller, Riley, Barnhart, Sypolt, Statler, Rowan, and Reed: Relating to Broadband (Chapter 48, Acts, Regular Session, 2021)	120	258, 609	695, 733, 734, 3960-3988, 3988	734, 3991	3960	122, 330, 333, 394, 411, 657, 733, 737, 3991, 4381, 4388
*2003 -	By Delegates Summers, McGeehan, Phillips, Smith, Toney, Bruce, Kimes, Ellington, Riley, Jeffries, D., and Worrell: Relating to the authority and obligations of the Governor and Legislature when in declared states of preparedness and emergency	123	395	432	451	2415	123, 396, 431, 451, 452, 2414, 2425, 2524, 2526
*2004 -	By Delegates Summers, Rohrbach, Worrell, Tully, Ward, B., Pack, L., Reynolds, Rowan, Westfall, Pack, J., and Espinosa: Permit a licensed health care professional from another state to practice in this state through telehealth when registered with the appropriate West Virginia board	123	264				123, 330, 333
*2005 -	By Delegates D. Jeffries, Ward, B., Rohrbach, Ward, G., Holstein, Worrell, Sypolt, Tully, Summers, Pinson, and Burkhammer: Relating to health care costs (Chapter 162, Acts, Regular Session, 2021)	123	263	3016-3017	386, 3017	3015	124, 330, 358, 386, 3017, 4382, 4388
*2006 -	By Delegates Howell, Espinosa, Foster, Horst, Hamrick, Miller, Steele, Holstein, Clark, Keaton, and Burkhammer: Relating to the West Virginia Contractor Licensing Act (Chapter 202, Acts, Regular Session, 2021)	124	256	1257, 1305	386, 1307	1257	125, 330, 359, 386, 387, 1307, 1549, 1777
*2007 -	By Delegates Espinosa, Foster, Horst, Hamrick, Howell, Miller, Steele, Holstein, Clark, Keaton, and Burkhammer: Provide for occupational licenses or other authorization to practice by recognition for qualified applicants from other states	125	334	417	429		125, 390, 411, 428, 429

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2008 -	By Delegates Foster, Horst, Hamrick, Howell, Espinosa, Steele, Holstein, Clark, Keaton, and Burkhammer: Amending requirements for licensure relating to elevator mechanics, crane operators, HVAC, electricians, and plumbers (Chapter 169, Acts, Regular Session, 2021)	126	394	455, 473, 1336, 1365	473, 1367	1336	127, 433, 455, 472, 473, 474, 1366, 1367, 1548, 1777
*2009 -	By Delegates Foster, Burkhammer, Kimes, Higginbotham, Forsht, Keaton, Espinosa, and Pritt: Relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities (Chapter 170, Acts, Regular Session, 2021)	127	372	433, 1401, 1410	452, 1411	1401	127, 420, 433, 452, 453, 1412, 1635, 2360
2010 -	By Delegates Howell, Capito, Pack, L., Reynolds, Clark, Linville, Espinosa, and Storch: Permit licensees to continue to sell nonintoxicating beer and wine for off premises consumption without additional licenses or fees	128					128
*2011 -	By Delegates Capito, Howell, Pack, L., Reynolds, Clark, Linville, Espinosa, and Storch: Eliminating any time requirements for part time personnel to work during a working year (Chapter 210, Acts, Regular Session, 2021)	128	292	1190, 1192	410, 1192	1189	128, 368, 389, 409, 410, 1193, 1400, 1637
*2012 -	By Delegates Smith, Clark, Kimble, Higginbotham, Wamsley, and Espinosa: Relating to public charter schools (Chapter 98, Acts, Regular Session, 2021)	128	266	359, 707, 710	387, 711	707	128, 330, 359, 387, 388, 712, 851, 1092
*2013 -	By Delegates Ellington, Higginbotham, Summers, Hanna, Pinson, Wamsley, Kimble, Jeffries, D., Espinosa, Clark, and Horst: Relating to the Hope Scholarship Program (Chapter 99, Acts, Regular Session, 2021)	129	265, 335, 627	417, 420, 430, 799, 803, 804	429, 803	1367	129, 265, 390, 417, 429, 430, 431, 444, 747, 771, 804, 1549, 1777
*2014 -	By Delegates Kimes, Fast, Pritt, Ferrell, Bridges, Hanna, Mandt, Toney, Reynolds, Statler, and Storch: Relating to role of the Legislature in appropriating federal funds (Chapter 225, Acts, Regular Session, 2021)	129	255	2425-2443	453, 2444	2425	130, 330, 333, 423, 433, 453, 2445, 2520, 2980

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2015 -	By Delegates Rohrbach, Anderson, Mandt, Tully, Pritt, Phillips, Toney, Jeffries, J., Bruce, Barnhart, and Reynolds: Requiring rules of local boards of health to be approved by the county commission except in cases of a public health emergency	130	262				130, 330, 333
2016 -	By Delegates Burkhammer, Pinson, Higginbotham, Reed, Hott, Keaton, Anderson, Haynes, Barnhart, Rohrbach, and Ellington: Relating to the “COVID-19 Essential Jobs Protection Act”	130					132
*2017 -	By Delegates Steele, Kelly, D., Ward, B., Bruce, Miller, Ward, G., Haynes, Westfall, Higginbotham, Smith, and Reynolds: Rewriting the Criminal Code	132	1743	1924-2341, 2396, 2397	2396	3018	148, 1882, 1924, 2347, 2357, 2396, 2414, 3018
2018 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Relating generally to economic development loans and loan insurance issued by state	340					342
2019 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Elevating Economic Development and Tourism Departments (Chapter 144, Acts, Regular Session, 2021)	268	291		410	610	269, 368, 389, 410, 411, 707, 924
2020 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Relating to the West Virginia Employment Law Worker Classification Act	342					342
2021 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Creation of West Virginia COVID-19 Immunity Act	269					270
*2022 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution (Chapter 11, Acts, Regular Session, 2021)	243	1892	3266-3465, 3465-3669	2582, 3670	3265, 4283	243, 2415, 2502, 2503, 2527, 2577, 2583, 3669, 3670, 4374, 4387
2023 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Forsht [By Request of the Executive]: Relating generally to West Virginia Appellate Reorganization Act of 2021	270					273

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2024 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Expand use of telemedicine to all medical personnel (Chapter 218, Acts, Regular Session, 2021)	273	575	696, 1707-1727	738, 1731	1685, 2361	273, 621, 695, 738, 1685, 1707, 1732, 2642, 3673, 4386
*2025 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Provide liquor, wine, and beer licenses with some new concepts developed during the State of Emergency utilizing new technology to provide greater freedom to operate in a safe and responsible manner (Chapter 9, Acts, Regular Session, 2021)	374	578	697, 741, 3992-4136, 4136-4280	743, 4281	3991, 4371	376, 621, 696, 697, 738, 742, 746, 4282, 4382, 4388
*2026 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Relating to the modernization of the collection of income taxes by adopting uniform provisions relating to the mobile workforce (Chapter 257, Acts, Regular Session, 2021)	466	1255		1512	2361	466, 1389, 1485, 1512, 2642, 4386
2027 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Relating to personal income tax reduction	943					944
2028 -	By Delegates Summers, Pack, J., and Rohrbach: Exempting veterinarians from the requirements of controlled substance monitoring (Chapter 63, Acts, Regular Session, 2021)	1398	1398		1593	2650	1398, 1537, 1569, 1593, 1594, 4374, 4387
2029 -	By Delegates Ellington, Higginbotham, Mazzocchi, Toney, and Tully: Relating to teacher preparation clinical experience programs (Chapter 242, Acts, Regular Session, 2021)	1395	1395	3673	1594, 3674	3673	1537, 1569, 1594, 3674, 4378, 4387
2030 -	By Delegates Ellington, Smith, Graves, Pack, J., Toney, Mazzocchi, Higginbotham, and Tully: Establishing a nursing program at Concord University	1396	1396				1396
2031 -	By Delegates Barnhart, Maynard, Hansen, Mandt, Storch, Westfall, and Queen: West Virginia Development Achievements Transparency Act	148	922				149, 922
2032 -	By Delegates Hamrick, Howell, and Hanna: Issuing specialty motor vehicle registration plates for businesses owning a fleet of 25 or more vehicles	149					149

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2033 -	By Delegates Hamrick, and McGeehan: Establishing matrix necessary for an institution of higher education to become exempt from the Higher Education Policy Commission	149					149
2034 -	By Delegates Hamrick, Paynter, and Mandt: Establishing a comprehensive addiction recovery center certification and grant program in this state	149					150
2035 -	By Delegates Hamrick, Paynter, Mandt, and Mallow: Permitting the resident lineal descendants of landowners to hunt, trap or fish on that resident landowner's property without a license	150					150
2036 -	By Delegates Howell, Martin, and Mandt: Removing the requirement that real estate brokers, associate brokers and salespeople maintain a main office	150					150
2037 -	By Delegate Pethtel: Providing protections, under certain circumstances, to owners of livestock and other domestic animals	150					150
2038 -	By Delegate Boggs: Revising requirements relating to the issuance and renewal of handicap vehicle placards	150					150
2039 -	By Delegates Boggs, Toney, and Paynter: Expunging records of unsubstantiated complaints made by the Department of Health and Human Resources against teachers	150					150
2040 -	By Delegate Barnhart: Adopting and implementing a "Heat and Humidity Practice Policy" for all interscholastic athletic events	151					151
2041 -	By Delegate Barnhart: County Budget Flexibility Act	151	1329				151, 1330
2042 -	By Delegates Howell, Jeffries, J., Foster, Martin, Jeffries, D., Mallow, and Bates: Exempting sales of small arms and small arms ammunition from state sales and use taxes	151					151
2043 -	By Delegates Howell, Fast, Hamrick, and Rowe: Authorizing the West Virginia Tourism Office to enter into an agreement with the Division of Highways to provide staff at the welcome centers	151	973				151, 973
2044 -	By Delegates Howell, and Barnhart: Establishing Next Generation 911 services in this state	151	1011				152, 1012

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2045 -	By Delegate Howell: Providing limitations on nuisance actions against fire department and emergency medical services	152					152
2046 -	By Delegates Howell, Jeffries, J., Mandt, and Rowe: West Virginia Emergency Responder Service Tax Credit Act	152					152
2047 -	By Delegates Howell, and Nestor: Changing the licensing requirement for certain casino employees	152					152
2048 -	By Delegates Lovejoy, Toney, and Brown: Relating to Deputy Sheriff Retirement System	153					153
2049 -	By Delegates Lovejoy, Fleischauer, Walker, and Hansen: Senior Farmers' Market Nutrition Program Fund	153					153
2050 -	By Delegates Lovejoy, Hott, Zukoff, Hansen, Worrell, and Pack, L.: Establishing the West Virginia Healthy Food Crop Block Grant Program	153	1333				153, 1333
2051 -	By Delegates Lovejoy, Rohrbach, Mandt, Brown, Hansen, Toney, Fleischauer, and Rowe: Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder	153					154
2052 -	By Delegates Lovejoy, Toney, Paynter, Brown, Zukoff, and Rowe: Relating to occupational pneumoconiosis claims	154					154
2053 -	By Delegates Howell, Hott, Rowe, and Maynard: Authorizing the DMV to issue certain vital records in the custody of the state registrar	154					154
2054 -	By Delegate McGeehan: Requiring parents or guardians to participate in programs for juveniles in an out-of-home placement	154	972				154, 973
2055 -	By Delegate Rowe: Establishing a procedure to name a kinship legal guardian	155					155
2056 -	By Delegates Rowe, and Westfall: Changing the beginning time for beer and wine sales on Sunday from one p.m. to 10 a.m.	155					155
2057 -	By Delegates Lovejoy, Rowan, Rohrbach, Hansen, Young, Brown, Rowe, and Pack, L.: Establishing the Summer Feeding for All initiative	155					155

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2058 -	By Delegate Thompson: Providing a pay increase for full-time adult protective service workers	155					155
2059 -	By Delegates Thompson, and Hamrick: Establishing a system for issuing permits for persons to provide rehabilitation of orphaned, sick and injured wildlife	156					156
2060 -	By Delegates Thompson, and Rowe: Reducing the criminal penalty for possession of small amounts of marijuana or paraphernal	156					156
2061 -	By Delegate Rowe: Katherine Johnson College Award Program	156					156
2062 -	By Delegate Rowe: Creating a Small Business and Minority Populations Economic and Workforce Development Taskforce	156					157
2063 -	By Delegates Rowe, and Hansen: Relating to unfair or deceptive telemarketing acts or practices	157					157
2064 -	By Delegates Rowe, Fleischauer, and Hansen: Biometric Information Privacy Act	157					157
2065 -	By Delegate Rowe: Allowing low income senior citizens to receive certain tax credits without filing a state income tax return	157					157
2066 -	By Delegate Rowe: Providing school days for registering eligible students to vote and to provide transportation to voting places	157					158
2067 -	By Delegate Rowe: Relating to designation of social workers in the Department of Health and Human Services	158					158
2068 -	By Delegate Rowe: Establishing a special memorial day to be known as Juneteenth honoring human rights and the end of slavery in the United States	158					158
2069 -	By Delegate Rowe: Economic and Community Development Task Force	158					158
2070 -	By Delegate Syplt: Relating to mandatory drug testing for state legislators and teachers	158					158
2071 -	By Delegate Syplt: Eliminating the requirement that schools be closed on election days	159					159
2072 -	By Delegates Syplt, Fast, Rowan, and Paynter: Providing special license plate to support adoption	159					159

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2073 -	By Delegates Sypolt, and Rowan: Making it a felony to knowingly expose another individual to HIV	159					159
2074 -	By Delegates Sypolt, and Hansen: Implementing the recommendations of the studies required by the Natural Gas and Horizontal Well Control Act	159					159
2075 -	By Delegate J. Pack: Removing the registration fee for a vehicle operating on a combination of electricity and petrochemical fuels	159					159
2076 -	By Delegates J. Pack, McGeehan, Howell, Cooper, and Lovejoy: Removing all costs and fees from a Silver Star registration plate	160	438				160, 438
2077 -	By Delegates Summers, Fast, and Pritt: Eliminating the certificate of need program	160					160
2078 -	By Delegates Rowan, and Rohrbach: Nondiscrimination in Involuntary Denial of Treatment Act	160					160
2079 -	By Delegates Rowan, and Toney: Providing equitable distribution to county boards of education of reimbursement costs of special needs students	160					161
2080 -	By Delegates Rowan, and Fast: "Bank Time" used in reaching 180 instructional requirement	161					161
2081 -	By Delegates Zukoff, Barrett, Hansen, Reynolds, Hott, Young, and Rowe: Relating to withholding tax on income of nonresidents from natural resources royalty payments	161	393				161, 393
2082 -	By Delegate Rohrbach: Changing the persons responsible for the taxes on soft drinks and soft drink syrups	161					161
2083 -	By Delegate Rohrbach: Relating to age verification requirements for delivery sales of tobacco	162					162
2084 -	By Delegate Rohrbach: Amend section providing for waiver of tuition and fees for older persons auditing certain college classes.	162					162
2085 -	By Delegate Rohrbach: Relating to tobacco usage restrictions	162					163
2086 -	By Delegate Rohrbach: Relating to requiring a parolee or probationer found to have suffered with addiction to participate in a support service.	163					163

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2087 -	By Delegate Rohrbach: Relating to requiring the Office of Health Facility Licensure and Certification to inspect office-based medication-assisted treatment programs at least every 24 months.	163					163
2088 -	By Delegate Rohrbach: Relating to requiring a court to verify certain conditions are met before a child who has been removed from a home may be returned to that home.	163					163
2089 -	By Delegate Martin: Defining a work day for school service personnel and removing a provision relating to employment of licensed practical nurses	163					163
2090 -	By Delegates Martin, and Fast: Relating to a customer constructing a connection or other infrastructure necessary for the customer to connect to the public utility	164					164
2091 -	By Delegates Martin, Fast, Foster, and Hanna: Creating a process by which voters may recall a county ordinance in a special election	164					164
2092 -	By Delegates Martin, and Fast: Requiring each high school student to complete a full credit course of study in personal finance	164					164164
*2093 -	By Delegates Graves, Hott, Sypolt, Mandt, Pack, J., Toney, Longanacre, Jennings, Wamsley, Clark, and Smith: Relating to exemptions for the United States Department of Veterans Affairs Medical Foster Homes (Chapter 219, Acts, Regular Session, 2021)	164	438, 576	2830-2833	738, 2834	2830	164, 438, 621, 697, 737, 738, 2834, 4374, 4387
*2094 -	By Delegates Graves, Espinosa, Summers, Hanna, Ward, B., Pritt, Pack, J., Burkhammer, Pack, L., Capito, and Barnhart: Relating to the juvenile restorative justice programs (Chapter 53, Acts, Regular Session, 2021)	164	439	2454-2465	546, 2466	2454	165, 475, 520, 546, 2466, 2933, 4387
*2095 -	By Delegates Graves, Rowe, Thompson, Haynes, Zukoff, and Kimble: Providing increased protections for the welfare of domestic animals	165	1772	2377	2377		165, 1883, 2347, 2377, 2378
2096 -	By Delegates Graves, Barrett, Hanna, Skaff, and Lovejoy: Reinstating the film investment tax credit	166					166
2097 -	By Delegates Doyle, Toney, and Rohrbach: Relating to calculating net enrollment for home-school students enrolled in one virtual school course in the public school system	166	818				166, 818

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2098 -	By Delegate Doyle: Relating to permits issued by the Board of Barbers and Cosmetologists	166					166
2099 -	By Delegate Doyle: Redistricting of the Senate into 16 two-member senatorial districts and redistricting the House into 96 single member districts	167					167
2100 -	By Delegate Doyle: Relating to payment for the construction of any expanded or upgraded public service district facilities in certain circumstances	167					167
2101 -	By Delegates Doyle, Hansen, Barach, and Rowe: Reinstating the film tax credits	167					167
2102 -	By Delegates Doyle, and Hansen: Relating to required notices for air quality permits prior to the permit being granted	167					167
2103 -	By Delegates Doyle, and Fleischauer: Establishing an insurance program for health and medical insurance coverage to be offered in counties with limited insurance providers	167					167
2104 -	By Delegate Doyle: Relating to compensation paid to landowners when interest in property taken by eminent domain is for a nongovernmental entity	168					168
2105 -	By Delegates Doyle, Hansen, and Barach: West Virginia Beverage Container Recycling and Litter Control Act	168					168
2106 -	By Delegates Hanna, Mandt, and Rowe: Modifying legislative rules for vital statistics relating to death certificates	168					168
2107 -	By Delegates Hanna, Jeffries, D., Hansen, and Haynes: West Virginia Native American Tribes Unique Recognition, Authentication and Listing Act	168					169
2108 -	By Delegates Hanna, and Mandt: Taxation With Representation Act	169					169
2109 -	By Delegates Hanna, Toney, Martin, and Mandt: Relating to vocational and technical education programs	169					169
2110 -	By Delegate Boggs: Relating to senior citizens attending college classes at state institutions without receiving college credit	169					169

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2111 -	By Delegates Hanna, Jeffries, J., and Sypolt: Including emergency response vehicles in the single fee program for EZ Pass transponders	170					170
2112 -	By Delegates Thompson, and Fleischauer: Prohibiting provisions within settlement agreements that prevent the disclosure of factual information related to a claim filed in a civil action	170					170
2113 -	By Delegates Fleischauer, Hansen, Sypolt, and Walker: Relating to paving contracts	170					170
2114 -	By Delegates Fleischauer, Lovejoy, Hansen, and Walker: Prohibiting civil rights violations based on disability, gender identity or sexual orientation	170					170
2115 -	By Delegates Linville, Skaff, and Maynard: Economic Diversification Act of 2021	171					171
2116 -	By Delegate Boggs: Verifying legal employment status of contractors and vendor's employees for certain road and bridge contracts	171					171
2117 -	By Delegates Fleischauer, Pethel, Hansen, Sypolt, Walker, and Rowe: Providing certain employees of the Highways increases in annual pay	171					171
2118 -	By Delegate Fleischauer: Providing school days to register and transport eligible students to vote	171					172
2119 -	By Delegates Fleischauer, McGeehan, Hansen, and Walker: Relating to electioneering or distributing literature at early voting locations	172					172
2120 -	By Delegates Fleischauer, Walker, Barach, Hansen, and Rowe: Ensuring health insurance coverage for residents with preexisting conditions	172					172
2121 -	By Delegates Fleischauer, Zukoff, and Young: Katherine Johnson and Dorothy Vaughan Fair Pay Act of 2020	172					172
2122 -	By Delegates Fleischauer, Barach, and Young: Implementing The Agreement Among the States to Elect the President and Vice President by National Popular Vote	172					172
2123 -	By Delegates Linville, and Espinosa: Reducing personal income tax rates when personal income tax reduction fund is funded at a certain threshold	173					173

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2124 -	By Delegates Fleischauer, and Fast: Requiring licensees authorized to serve alcoholic liquors or nonintoxicating beer to have certain liability insurance coverage	173					173
2125 -	By Delegate Fleischauer: Creating a School Consolidation Task Force	174					174
2126 -	By Delegates Fleischauer, and Hansen: Creating the West Virginia Residential Furniture and Children's Products Flame Retardants Act	174					174
2127 -	By Delegates Fleischauer, and Walker: Relating to the state's Medicaid Home and Community-Based Services Intellectual/Developmental Disability Waiver	174					175
2128 -	By Delegate Fleischauer: Family Protection Act	175					175
2129 -	By Delegate Fleischauer: Establishing an industrial water extraction fee	175					175
2130 -	By Delegate Fleischauer: Relating to the Consumer Credit and Protection Act	175					175
2131 -	By Delegate Fleischauer: Clarifying that the county or regional solid waste authority that may impose and collect an additional solid waste assessment fee is the county or region where the waste originates	175					176
2132 -	By Delegate Fleischauer: Relating to horizontal well control standards	176					176
2133 -	By Delegates Fleischauer, Barach, Hansen, and Griffith: Repealing the Workplace Freedom Act of 2016 and restoring the prior provisions of the Labor-Management Relations Act	176					176
2134 -	By Delegate Fleischauer: Providing that state retirees' insurance benefits be restored to the benefit levels that existed in 2015	176					176
2135 -	By Delegate McGeehan: Providing that political party caucus meetings are not exempt from open proceedings requirements	177					177
2136 -	By Delegates McGeehan, and Paynter: Granting counties and municipalities a portion of the net terminal income from racetrack video lottery	177					177
2137 -	By Delegate McGeehan: Repealing the article on unfair trade practices	177					177

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2138 -	By Delegates McGeehan, and Anderson: Defend the Guard Act	177					177, 1097
2139 -	By Delegates Paynter, Toney, and Jeffries, J.: Permitting residential customers to deduct up to 50 percent of their electric utility payments from their federal adjusted gross income	177					177
2140 -	By Delegates Paynter, McGeehan, and Martin: Redirecting excise tax revenue on bottled soft drinks from West Virginia University schools to the Public Employees Insurance Agency	178					178
2141 -	By Delegates D. Jeffries, McGeehan, Foster, Hanna, and Phillips: Relating to participation in school sports	178					178
2142 -	By Delegates Toney, and Paynter: Establishing seniority rights for public employees	178					178
2143 -	By Delegates Toney, and Paynter: Declaring a shortage of qualified bus operators and allowing retired bus operators to accept employment	178					178
2144 -	By Delegates Toney, Rowan, and Paynter: Modifying the definitions and pay grades of certain school cafeteria personnel	178					178
*2145 -	By Delegates Toney, (Mr., Hanshaw, and Rohrbach: Relating to student aide class titles (Chapter 243, Acts, Regular Session, 2021)	178	1543	3674	1698, 3674	3674	179, 1618, 1698, 3675, 4382, 4388
2146 -	By Delegates Hamrick, and Hanna: Providing a tax credit for families who have foster children	179					179
2147 -	By Delegates Thompson, and Walker: Providing that the Division of Motor Vehicles identification cards be issued at no cost	179					179
2148 -	By Delegate Thompson: Imposing a general data mining service tax on commercial data operators	179					179, 1657
2149 -	By Delegate Hamrick: Allowing a personal income tax deduction for a foster care child	179					179
2150 -	By Delegates Thompson, Boggs, Rowan, and Walker: Relating to driving restrictions in school zones	179					180
2151 -	By Delegates Howell, and Martin: Listing contractor classifications on a contractor license	180					180

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2152 -	By Delegates Howell, Hott, Fast, and Martin: Requiring test in civics to graduate high school or obtain GED	180					180
2153 -	By Delegates Howell, Hanna, and Martin: Permitting former members of the Legislature to remain eligible for insurance plans at full cost to the member and at no cost to the state	180					180
2154 -	By Delegates Howell, and Foster: Requiring all boards to be located in the same area and office space	180					180
2155 -	By Delegates Toney, Paynter, and Lovejoy: Creating three separate job titles for school bus operators	181					181
2156 -	By Delegates Capito, Keaton, and Young: Relating generally to the payment of salary or wages under the Parental Leave Act	181					181
2157 -	By Delegates J. Jeffries, Jeffries, D., and Mandt: Forbidding displays relating to sexuality in public school facilities and forbidding the teaching of sexuality in public schools	181					181
2158 -	By Delegates J. Jeffries, Paynter, and Bridges: Relating to the Public Service Commission	181					181
2159 -	By Delegates J. Jeffries, Paynter, Hanna, Jeffries, D., Maynard, Bridges, Holstein, Sypolt, Horst, Keaton, and Mandt: Preserving and protecting the right to keep and bear arms	181					182
2160 -	By Delegates Howell, Pushkin, Young, and Rowe: Issuing identification documents to homeless individuals residing at homeless shelters	182	553				182, 553
2161 -	By Delegate J. Pack: Relating to the removal of standardized testing in public schools	182					182
2162 -	By Delegate J. Pack: Relating to qualifications for a commercial driver's license permit	182					183
2163 -	By Delegate J. Pack: Requiring disclosure of nonpublic personal information required in employment cases	183					183
2164 -	By Delegates J. Pack, and Howell: Requiring certain municipalities to pay for the incarceration of inmates	183					183

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2165 -	By Delegate J. Pack: Relating to crimes against property	183					183
2166 -	By Delegates J. Pack, and Fleischauer: Reducing the cost of prescription drugs	183					183
2167 -	By Delegates McGeehan, and Nestor: Exempting motor vehicles from personal property tax	184					184
2168 -	By Delegate McGeehan: Relating to the transfer of certain revenues derived from lottery activities generally, restoring distribution to the West Virginia Infrastructure Fund to 2013 rates and decreasing the funds available for grants therefrom	184					184
2169 -	By Delegate McGeehan: Life at Conception Act of 2021	184					184
2170 -	By Delegate Paynter: Relating to insurance unfair trade practices	184					184
2171 -	By Delegates D. Jeffries, Fast, Rowan, and Martin: Vulnerable Child Protection Act	184					185
2172 -	By Delegates Capito, and Pack, L.: College Graduate Tax Credit	185					185
2173 -	By Delegates D. Jeffries, and Fleischauer: Health Care Transparency Act	185					185
*2174 -	By Delegates Phillips, McGeehan, Jeffries, J., Mandt, Barnhart, and Hanna: West Virginia Monument and Memorial Protection Act of 2021	186	1179	1459, 1460, 1463, 1464	1463		186, 1320, 1387, 1459, 1465
2175 -	By Delegates D. Jeffries, Jeffries, J., Foster, and Hanna: Removing the permit requirement for a person over 21 to possess a concealed handgun in a motor vehicle on school property	186					186
2176 -	By Delegates Phillips, Kelly, D., and Paynter: Making it a criminal offense to escape or attempt to escape from the custody of a Community Corrections program	186					186
*2177 -	By Delegates Phillips, Hott, McGeehan, and Hansen: Permitting the issuance of a state issued identification card without a photo on the card under certain conditions	186	1663				187, 1736, 1775
2178 -	By Delegates D. Jeffries, Hott, Hanna, and Martin: Facilitating Business Rapid Response to State Declared Disasters Act of 2021	187	1330				187, 1330
2179 -	By Delegate D. Jeffries: West Virginia Civil Authority Act	187					187

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2180 -	By Delegates D. Jeffries, and Hott: Prohibiting the regulation and licensing of occupations by local government	188					188
2181 -	By Delegates D. Jeffries, and Hanna: Allowing a personal income tax deduction for a stillborn child	188					188
2182 -	By Delegate Rohrbach: Relating to the Ryan Brown Fund	188					188
2183 -	By Delegate Rohrbach: Relating to posting of information regarding the WV Tobacco Quitline	188					188
2184 -	By Delegates Rohrbach, and Pack, L.: Increasing the penalties for exposure of governmental representatives to fentanyl or any other harmful drug	188	439		546		189, 476, 521, 546, 547
2185 -	By Delegate Rohrbach: State Settlement and Recovered Funds Accountability Act	189					189
2186 -	By Delegate Rohrbach: Relating to tobacco usage restrictions	189					189
2187 -	By Delegates Rohrbach, and Rowe: West Virginia Earned Income Tax Credit	190					190
2188 -	By Delegate Rowe: Establishing reimbursement rates for congregate and in-home meals	190					190
2189 -	By Delegate Rowe: Changing the title of the Commissioner of Culture and History to the Curator of Arts, Culture, and History, and increasing the salary	190					190
2190 -	By Delegate Rowe: Authorizing ordinances allowing the municipal court to place a structure, dwelling or building into receivership under certain circumstances	190					190
2191 -	By Delegate Rowe: Requiring paving contracts for state highways to have special requirements to prevent potholes	190					190
2192 -	By Delegate Rowe: Creating a tax credit for improving facades in historic districts	190					191
2193 -	By Delegate Rowe: Creating a litigation practice license for social workers	191					191
2194 -	By Delegates Rowe, and Walker: Establishing the Minority Health Advisory Team	191					191
*2195 -	By Delegate Syppolt: Relating to motor vehicle crash reports (Chapter 269, Acts, Regular Session, 2021)	191	1323	4344, 4345	1561, 4345	4344	192, 1487, 1517, 1561, 1562, 4346, 4382, 4387

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2196 -	By Delegate J. Pack: Providing a tax credit for families who have foster children	192					192
2197 -	By Delegate Howell: West Virginia Firearms Freedom Act	192					192
2198 -	By Delegate Howell: Prohibiting employees of the state who have convictions for driving under the influence from driving or operating state owned vehicle	192					192
2199 -	By Delegate Howell: Creating the Intrastate Coal and Use Act	192					192
2200 -	By Delegates J. Jeffries, McGeehan, Foster, and Mandt: Allowing the issuance of special licenses for one-day charitable events for the sale, serving, and auctioning of beer, and alcoholic liquors	193					193
2201 -	By Delegates J. Jeffries, McGeehan, and Paynter: Repealing the section of code relating to unlawful military organizations	193					193
2202 -	By Delegates J. Jeffries, Fast, Jeffries, D., and Maynard: Creating the West Virginia Intrastate Commerce Improvement Act	193					193
2203 -	By Delegates J. Jeffries, Paynter, and Jeffries, D.: Ending tolls on the West Virginia Turnpike effective July 1, 2021	193					193
2204 -	By Delegates J. Jeffries, Paynter, Jeffries, D., Maynard, and Mandt: Providing for a special "Don't Tread On Me" license plate	193					193
2205 -	By Delegate McGeehan: Streamlining the process of abandoned mineral interests	194					194
2206 -	By Delegate McGeehan: Discontinuing the use of common core standards and assessments in the state	194					194
2207 -	By Delegate McGeehan: Save the Hospitals Act	194					194
2208 -	By Delegates McGeehan, and Rowe: Exempting social security benefits from personal income tax	194					194
2209 -	By Delegates McGeehan, and Mallow: Exempting firefighters and volunteer firefighters from payment of income and real and personal property taxes	194					195
2210 -	By Delegate McGeehan: Exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax	195					195

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2211 -	By Delegate McGeehan: Abolishing the Personal Income Tax	195					195
2212 -	By Delegate McGeehan: Continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans	195					195
2213 -	By Delegate McGeehan: Relating to the hunting of coyotes	195					195
2214 -	By Delegate McGeehan: Home Instruction Tax Relief Act	195					195
2215 -	By Delegate McGeehan: Allowing a group of affiliated voters to become a recognized political party under certain criteria	196					196
2216 -	By Delegates McGeehan, and Nestor: Right to keep and bear arms	196					197
2217 -	By Delegates McGeehan, and Mallow: Exempting law-enforcement officers from payment of income and personal property taxes	197					197
2218 -	By Delegate Rohrbach: Creating an enhanced penalty for certain aggravated serious traffic offenses	197					197
2219 -	By Delegate Rohrbach: Relating to requiring pharmacist to check the Controlled Substance Monitoring Database.	197					197
2220 -	By Delegates Rohrbach, and Rowe: Providing that the sale and purchase of copper as scrap metal may not be completed with the payment of cash	197					197
*2221 -	By Delegates Westfall, Espinosa, Jeffries, D., Williams, Pack, L., Hott, Capito, Pritt, Keaton, Barnhart, and Reed: Relating to the establishment of an insurance innovation process (Chapter 163, Acts, Regular Session, 2021)	198	437	3675-3691	866, 3691	3675	198, 437, 702, 807, 845, 866, 392, 4382, 4387
2222 -	By Delegates Westfall, and Criss: Prohibiting vehicles from driving slow in the left lane	198	551				198, 551
2223 -	By Delegates Hansen, Zukoff, and Walker: Repealing section of code authorizing additional registration fees for alternative fuel vehicles	199					199
*2224 -	By Delegates Linville, and Rohrbach: Relating to complaints against public agencies to obtain records through the Freedom of Information Act	199	1771				199, 1828, 2347, 2357

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2225 -	By Delegates Fleischauer, Lovejoy, and Walker: Authorizing local units of government to adopt local energy efficiency partnership programs	199					200
2226 -	By Delegates Fleischauer, and Barach: Protecting consumers from surprise bills by health care providers	200					200
2227 -	By Delegate Fleischauer: Prohibiting blasting within 625 feet of an occupied dwelling	200					200
2228 -	By Delegate Fleischauer: Assessing the health impact of any new air or water rule, or modification of an existing air or water rule, proposed by the Department of Environmental Protection	200					201
2229 -	By Delegate Fleischauer: Requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement	201					201
2230 -	By Delegate Fleischauer: The Healthy and Safe Workplace Act	201					201
2231 -	By Delegates Fleischauer, and Lovejoy: Prohibiting confidential settlement terms of a contested case involving sexual harassment, sexual abuse, or sexual assault in a state administrative proceeding	201					201
2232 -	By Delegates Martin, Fast, Foster, and Hanna: Providing a process by which a city may hold an election to recall an ordinance	201					202
2233 -	By Delegates Doyle, Zukoff, and Rowe: Coordinating a plan to provide the first two years of post-secondary education for free	202					202
2234 -	By Delegates Doyle, and Hansen: Requiring public hearing for applicant for air quality permit relating to facility of certain investment value	202					202
2235 -	By Delegate Lovejoy: Relating to net neutrality for state government	202					202
2236 -	By Delegate Hanna: Relating to unlawful panhandling and solicitation	202					202
2237 -	By Delegates Boggs, and Wamsley: Allowing free camping at state parks for certain resident veterans	202	1331				203, 1331

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2238 -	By Delegates Steele, and Foster: Granting tax credits for parents and legal guardians whose children are in a home schooling program or private school	203					203
2239 -	By Delegates Worrell, Kelly, D., Fast, Mandt, Longanacre, and Mallow: Restricting the performance of abortions and acquiring, providing, receiving, otherwise transferring, or using fetal body parts	203					203
2240 -	By Delegates Worrell, and Mandt: Relating to choice of law provisions in franchise agreements	203					203
2241 -	By Delegates Worrell, and Rowe: Affordable Medicaid Buy-In Program	203					204
2242 -	By Delegate Linville: Relating to special license plates for vehicles titled in the name of the Division of Public Transit	204	1327				204, 1328
2243 -	By Delegates Linville, and Lovejoy: West Virginia Saving Money and Reducing Time Prize Program	204					204
2244 -	By Delegate Linville: Relating to a tax rebate for facilities or processes that result in additional employment and an additional demand for electrical power	205					205
2245 -	By Delegate Linville: Relating to the West Virginia Secondary School Activities Commission	205					205
2246 -	By Delegate Doyle: Prohibiting manufacturing plants from locating within two air miles of an existing public school	205					205
2247 -	By Delegate Doyle: Requiring the authority to obtain approval from county board of education for agreements that involve tax revenues expended for public schools	205					205
2248 -	By Delegates Steele, and Mallow: Prohibiting payroll deductions to electioneering organizations	206					206
2249 -	By Delegates Fleischauer, and Lovejoy: Permitting customers and developers to enter into solar power purchase agreements	206					206
2250 -	By Delegates Linville, and Rohrbach: Relating generally to the issuance of driver licenses	206					206

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2251 -	By Delegates D. Jeffries, and Hott: Reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions	206					211
2252 -	By Delegates Graves, Hansen, and Fleischauer: Requiring Medicaid and insurance coverage for treatment of pediatric autoimmune neuropsychiatric disorders	211					212
2253 -	By Delegate Steele: Relating to forgery and other crimes concerning lottery tickets (Chapter 87, Acts, Regular Session, 2021)	212	295	474, 2593	475, 2594	2593	212, 433, 457, 474, 475, 2594, 4372, 4387
2254 -	By Delegate Steele: Establishing different rates of taxation for tobacco products for certain border counties	212					212
2255 -	By Delegate Steele: Allowing deductions to determine adjusted gross income for student loan payments or mortgage payments in determining child support	212					212
2256 -	By Delegates Steele, Hanna, and Foster: Providing that a municipal services user fee may not be imposed on employees of the state	212	553				212, 553
*2257 -	By Delegates Steele, Westfall, Pinson, and Pack, L.: Relating to extended supervision for certain drug offenders	213	626	805	841		213, 750, 805, 841
2258 -	By Delegate Steele: Establishing an intravenous drug user treatment and commitment process	213					213
2259 -	By Delegate Steele: Creating a cause of action for injuries suffered in a gun-free zone	213					213
*2260 -	By Delegates J. Pack, Rohrbach, Summers, Longanacre, Rowan, Ward, G., Forsht, Smith, Steele, Espinosa, and Barrett: Relating to procurement of child placing services (Chapter 54, Acts, Regular Session, 2021)	213	262, 423		519	2361	213, 262, 457, 475, 519, 520, 2383, 2445, 2642, 4386
2261 -	By Delegates J. Pack, Rohrbach, Summers, Longanacre, Forsht, Smith, Steele, Espinosa, and Graves: Placing a moratorium on new patients admitted to state facilities	214					214
2262 -	By Delegates Rohrbach, Pack, J., Summers, Ward, G., Smith, Steele, Espinosa, and Worrell: Relating to the controlled substance monitoring database (Chapter 64, Acts, Regular Session, 2021)	214	264	628	388, 628	627	214, 330, 368, 388, 628, 817, 1015, 1582

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2263 -	By Delegates J. Pack, Rohrbach, Summers, Ward, G., Forsht, Smith, Worrell, Bates, and Walker: Update the regulation of pharmacy benefit managers (Chapter 164, Acts, Regular Session, 2021)	214	293, 1885	1412, 1434, 1435, 1885, 1886	411, 1435, 1887	1412, 2361	214, 368, 389, 411, 1436, 1666, 1738, 1773, 1887, 2642
*2264 -	By Delegates J. Pack, Rohrbach, Summers, Rowan, Longanacre, Ward, G., Forsht, and Smith: Hospital exemptions from certificate of need	214	262		388		215, 330, 368, 388, 389
2265 -	By Delegates Rohrbach, Pack, J., Summers, Reed, Ward, G., Forsht, Smith, Steele, Espinosa, and Worrell: Relating to collaborative pharmacy practice and updating rulemaking authority	215	261, 480	604	604		215, 261, 547, 572, 604
*2266 -	By Delegates Rohrbach, Pack, L., Pack, J., Worrell, Pushkin, Fleischauer, Young, Rowe, and Williams: Relating to expanding certain insurance coverages for pregnant women (Chapter 160, Acts, Regular Session, 2021)	215	292	3692-3694	1913, 3694	3692	215, 292, 1665, 1736, 1880, 1913, 1914, 3695, 4382, 4388
*2267 -	By Delegates Toney, and Paynter: Establishing an optional bus operator in residence program for school districts (Chapter 244, Acts, Regular Session, 2021)	215	527		620	2657, 3018	215, 292, 573, 606, 620, 2661, 4382, 4388
2268 -	By Delegates Toney, and Paynter: Changing the recommended guidelines for full-day and half-day cooks to the minimum ratio of one cook for every 110 meals	215					215
2269 -	By Delegate Steele: Creating a state-wide email address directory	215					216
2270 -	By Delegates J. Pack, Rohrbach, Summers, Longanacre, Ward, G., Forsht, Reed, Smith, Steele, and Mallow: Transferring the Office of Medical Cannabis to the Department of Agriculture	216					216
2271 -	By Delegates Steele, and Sypolt: Requiring compulsory immunization of public school children	216					216
2272 -	By Delegates Steele, and Sypolt: Informed Consent Protection Act	216					216
2273 -	By Delegate Steele: Dividing pretrial detention jail costs between arresting authorities	216					216

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2274 -	By Delegate Steele: Relating to abolishing spousal support	217					217
2275 -	By Delegates Summers, Hardy, Steele, Dean, Pritt, Mazzocchi, Horst, Graves, Jeffries, D., Mallow, and Mandt: Eliminate the restriction to carry a firearm on the state capitol complex grounds.	217					217
2276 -	By Delegates D. Kelly, and Fast: Authorizing the Governor to seek the return of fugitives	217					217
2277 -	By Delegates Steele, Rowan, and Rohrbach: Establishing an intravenous drug user treatment and commitment process	217					217
2278 -	By Delegates Bates, and Rowe: Creating a Children’s Health Insurance Program buy-in program for children of families above 300 percent of the federal poverty level	217					218
2279 -	By Delegates Bates, and Mallow: Establishing a higher education scholarship program for foster children	218					218
2280 -	By Delegate Bates: Involuntary drug and alcohol treatment	218					219
2281 -	By Delegate Bates: Modifying the method of calculation of the employer and employee contribution percentages for public employee insurance premiums	219					219
2282 -	By Delegate Bates: Establishing a tax on the production of natural gas to fund the public employees insurance program	219					219
2283 -	By Delegate Bates: Creating a healthy living tax credit against the personal income tax	219					219
2284 -	By Delegate Bates: Creating a state-administered wholesale drug importation program	220					220
2285 -	By Delegate Bates: Relating to Capitol Complex Security Access	220					220
2286 -	By Delegates Bates, McGeehan, Toney, and Anderson: Making a supplementary appropriation to the Department of Veterans’ Assistance- Veterans Home	220					220
2287 -	By Delegates Hansen, Fleischauer, Hanna, and Barach: Providing for solar energy production on formerly mined land	220					220

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2288 -	By Delegate Bates: Limiting pay of members of the Legislature when a budget bill has not been passed	220					221
2289 -	By Delegates Steele, and Sybolt: Relating to compulsory immunizations	221					221
*2290 -	By Delegates Graves, Conley, Jeffries, D., Ward, G., Kimble, Horst, Jennings, Ward, B., Tully, Ferrell, and Mazzocchi: Initiating a State Employment First Policy to facilitate integrated employment of disabled persons (Chapter 282, Acts, Regular Session, 2021)	221	425, 480	1894-1899	605, 1900	1893	221, 425, 547, 572, 605, 1900, 2519, 2980
2291 -	By Delegate Bates: Relating to legalizing cannabis production, sales and adult consumption	221					222
2292 -	By Delegates Steele, Toney, Paynter, Sybolt, and Lovejoy: Including three types of cancer for which rebuttable presumption of injury from employment exists for firefighters	222					222
2293 -	By Delegates Fleischauer, Barach, Hansen, Young, Rowe, and Griffith: Reestablishing prevailing wages for certain state government contracts	222					223
2294 -	By Delegate Foster: Removing the requirement for contractors to file payroll information on public improvement construction projects	251					251
2295 -	By Delegate Foster: Relating to pecuniary interests of county and district officers, teachers and school officials in contracts	251					251
2296 -	By Delegate Foster: West Virginia Contractor Licensing Act	251					252
2297 -	By Delegate Foster: Limiting the maximum number of appointees to certain county and municipal bodies	252					252
2298 -	By Delegate Foster: Requiring a warning light to be erected on certain roads to warn of a traffic light ahead	252					252
2299 -	By Delegate Foster: Clarifying that a vehicle may not be backed into a public street or highway unless it does not interfere with other traffic	253					253
2300 -	By Delegates Foster, and Fast: Including Family Court Judges in the Judges' Retirement System	253					253
2301 -	By Delegates Foster, and Jeffries, J.: Repealing the soft drink tax	253					253

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2302 -	By Delegates Foster, McGeehan, and Jeffries, J.: Establishing that shared legal and physical custody of a child in cases of divorce is presumed to be in the best interests of the child	253					253
2303 -	By Delegates Hanshaw (Mr. Speaker), Cooper, Jennings, Smith, Pack, J., Steele, and Wamsley: Moving authority for the West Virginia veterans service decoration and West Virginia Service Cross to the Division of Veterans Affairs	273	813				273, 813
2304 -	By Delegates Higginbotham, and Hanna: Changing the school aid formula allowances for instructional technology and for AP and dual credit courses	273					274
2305 -	By Delegate Higginbotham: Creating a tax credit for hiring an ex-felon	274					274
2306 -	By Delegates Higginbotham, Toney, and Hanna: Relating to governmental websites	274					274
2307 -	By Delegate Higginbotham: Relating to vacancies in the office of county commissioner	274					274
2308 -	By Delegates Higginbotham, Toney, Hanna, Evans, Hornbuckle, Clark, Hansen, and Skaff: Creating the Business PROMISE+ Scholarship	274					275, 461
2309 -	By Delegates Higginbotham, Toney, Hanna, and Anderson: Prescribing methods of support for families of veterans to attend funeral services	275					275
2310 -	By Delegates Foster, Fast, and Rowan: Relating to death penalty for first degree murder	275					276
2311 -	By Delegate Foster: Requiring prescriptions be made by electronic means	276					276
2312 -	By Delegate Foster: Ensuring that legal or biological parents have equal access to any and all copies of birth registry forms	276					276
2313 -	By Delegate Foster: Reducing the number of hours of experience needed to qualify as a journeyman sprinkler fitter	276					276
2314 -	By Delegate Foster: Relating to teacher salary enhancement	276					276
2315 -	By Delegate Foster: Relating to PROMISE Scholarship Program requirements	276					277

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2316 -	By Delegate Foster: Allowing access to the Department of Environmental Protection's electronic submission system	277					277
2317 -	By Delegates Foster, Fast, Lovejoy, and Rowe: Requiring the Department of Health and Human resources to pay the attorney fees of an adoptive parent in a subsidized adoption	277					277
2318 -	By Delegate Foster: Repealing the West Virginia Jobs Act	277					277
2319 -	By Delegates Foster, and Jeffries, D.: Prohibiting the regulation and licensing of occupations by local government	277					277
2320 -	By Delegate Foster: Relating to mandatory drug testing of all classes of employees in K through 12 schools	278					278
2321 -	By Delegates Higginbotham, Foster, Fast, and Martin: Education Savings Account Act	278					278
2322 -	By Delegate Higginbotham: Conforming the state Consumer Credit and Protection Act to the federal Fair Debt Collection and Practices Act	278					278
2323 -	By Delegates Higginbotham, Howell, Jeffries, J., and Rohrbach: Authorizing a special vehicle registration plate for "2nd Amendment" enthusiasts	278					278
2324 -	By Delegates Foster, McGeehan, and Toney: Relating to charging fees for municipal services	278					279
*2325 -	By Delegate Foster: Removing the requirement of continuing education for barbers and cosmetologists	279	371		454		279, 420, 433, 454
2326 -	By Delegates Foster, and Fast: Exempting from licensure as an electrician a person who installs low voltage electrical wiring	279					279
2327 -	By Delegates Foster, Wamsley, Burkhammer, and Jennings: Repealing the law which makes prime contractors liable for the failure of subcontractors to make proper payments for workers' compensation	279					279
2328 -	By Delegates Foster, and Fast: Relating to criminal trespass	279					279
2329 -	By Delegate Foster: Relating to net metering	279					279
2330 -	By Delegates Foster, and Steele: Relating to the Public Service Commission	279					279

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2331 -	By Delegates Foster, and Jeffries, D.: Requiring contractors performing work for government contracts on computers use software to verify the hours	280					280
2332 -	By Delegate Foster: Terminating the State Board of Registration of Foresters	280					280
2333 -	By Delegate Foster: Restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available, retail beauty products	280	371				280
2334 -	By Delegates Foster, and Howell: Requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures	280					280
*2335 -	By Delegates Foster, and Kessinger: Increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor	281	703		866		281, 807, 845, 866, 867
2336 -	By Delegates Hanna, Martin, and Evans: Establishing the Katherine Johnson Academy	281	1397				282, 1397
2337 -	By Delegates Westfall, Young, and Fleischauer: Requiring medical insurance providers to include infertility services in their policies	282					282
2338 -	By Delegates Westfall, and Lovejoy: Adding pasteurized milk and other dairy foods produced or processed in West Virginia to the list of items required to be purchased by all state-funded institutions	282	425				282, 425
2339 -	By Delegate Westfall: Applying a stiffer penalty than simple assault or battery for assaults on officials at sporting events	282					282
2340 -	By Delegates Hanna, Haynes, and Barnhart: Require compensation for state police officers when required to be on standby so they can be called back to work if necessary	282					283
2341 -	By Delegates Hanna, and Haynes: Reducing federal adjusted gross income for interest paid on student loans	283					283
2342 -	By Delegates Zatezalo, Anderson, Cooper, Kelly, J., Gearheart, and Reynolds: Establishing and implementing a program to require bonding sufficient to reclaim abandoned wind generation facilities and solar generation facilities	283	811				284, 812

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2343 -	By Delegate J. Pack: Require an emergency contact be placed on driver's license	284					284
2344 -	By Delegate J. Pack: Modify statute relating to Registered Veterinary Technicians	284					284
2345 -	By Delegates Westfall, Hanna, Queen, Barrett, Thompson, Evans, Tully, and Kimble: Requiring each county school board to employ at least one full time school nurse	284	1012				285, 1012
2346 -	By Delegates Higginbotham, and Rowe: Relating to the Medical Cannabis Act	285					285
2347 -	By Delegates Foster, and Jeffries, D.: Relating to licensure qualifications	285					285
2348 -	By Delegates Higginbotham, Hott, and Martin: Allowing certain deductions to be made from individual personal income tax refunds to the Make-A-Wish Foundation	285					285
2349 -	By Delegate Foster: Authorizing a medical power of attorney representative to sign a binding arbitration agreement	286					286
2350 -	By Delegate Higginbotham: Establishing limits applicable to the award of damages for medical monitoring	286					286
2351 -	By Delegate Higginbotham: Relating to when a municipality's approval is not required for an event licensed by the Alcohol Beverage Control Commission	286	1328				286, 1329
2352 -	By Delegate Higginbotham: Providing for political party platforms to be placed on ballots for certain primary elections	286					286
2353 -	By Delegates Higginbotham, and Hanna: Establishing a tax credit for families who suffer the loss of a stillborn child	286					286
2354 -	By Delegates Higginbotham, Toney, Pack, J., Rohrbach, and (Mr., Hanshaw: Relating to political party committees	286					287
2355 -	By Delegates Higginbotham, Barrett, and Hansen: Establishing a tax deduction against corporation net income tax for retail food distributors that donate to school "backpack programs"	287					287
2356 -	By Delegates Higginbotham, Walker, and Rowe: Relating to the use of medical cannabis	287					287

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2357 -	By Delegates Higginbotham, Hott, Howell, Martin, and Hansen: Requiring all schools to instruct students on the Holocaust and other genocides	287					287
*2358 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act (Chapter 258, Acts, Regular Session, 2021)	287	336		337	440	287, 336, 337, 440, 527, 554
2359 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act (Chapter 259, Acts, Regular Session, 2021)	288	338		338	440	288, 338, 339, 440, 527, 554
2360 -	By Delegates Pushkin, Skaff, Williams, Young, Barach, Rowe, Lovejoy, Walker, and Hansen: Increase criminal penalty for killing police/corrections officer in the line of duty.	305					305
2361 -	By Delegates Keaton, Pack, L., Pinson, Burkhammer, Haynes, and Ward, B.: Requiring a judge to approve of contingent fee agreements	305					306
*2362 -	By Delegates Zukoff, Hornbuckle, Thompson, Cooper, Toney, Higginbotham, Ellington, Hansen, and Lovejoy: Implementing trauma-informed practices in schools	306	577				306, 578
*2363 -	By Delegates Foster, Summers, Storch, Phillips, Steele, Sypolt, Pinson, McGeehan, Jeffries, J., Jeffries, D., and Rowan: Relating to "Best Interests of the Child Protection Act of 2021" (Chapter 93, Acts, Regular Session, 2021)	306	525	750,867, 908, 3835-3859, 3860-3883, 4362	907, 3883	908, 3835, 4369	307, 573, 606, 609, 701, 747, 753, 849, 867, 907, 909, 3883, 4358, 4359, 4361, 4362, 4382, 4388
2364 -	By Delegates Smith, Martin, Mandt, Jeffries, J., Horst, and Wamsley: Permit teachers in K-12 schools be authorized to carry concealed firearms as a designated school protection officer	307	1256				307, 1256
2365 -	By Delegate Smith: Relating to accessories to a crime	307					306

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2366 -	By Delegates Foster, Espinosa, Steele, Graves, Martin, and Hardy: Requiring agencies who have approved a proposed rule that affects fees or other special revenues to provide to the committee a fiscal note (Chapter 145, Acts, Regular Session, 2021)	306	372		454	2651	307, 420, 433, 454, 4374, 4387
2367 -	By Delegates Foster, Espinosa, Hanna, Smith, Burkhammer, and Hardy: Creating the Homeschool Credential Recognition Act	308	527				308, 528
*2368 -	By Delegates D. Jeffries, Summers, Tully, Pack, J., Rohrbach, Ellington, Steele, Espinosa, Linville, Howell, and Pack, L.: Mylissa Smith's Law, creating patient visitation privileges (Chapter 220, Acts, Regular Session, 2021)	308	576, 1323	1517, 1562, 3883-3886	1562, 3887	3883	308, 577, 1487, 1517, 1562, 1563, 3887, 4381, 4388
2369 -	By Delegates Howell, Ward, B., Paynter, Barrett, Martin, Phillips, Mandt, Statler, Pack, J., Miller, and Jeffries, D.: Provide that you can make monthly payments on property taxes	308					308
*2370 -	By Delegates Howell, Ward, B., Paynter, Martin, Phillips, Mandt, Pack, J., Pinson, Miller, Sypolt, and Kimes: Provide that Public Service Districts cannot charge sewer rates for filling a swimming pool (Chapter 235, Acts, Regular Session, 2021)	308	1761	2348, 4301-4302	2378, 4302	4301	309, 1883, 2347, 2378, 4303, 4381, 4387
2371 -	By Delegates Howell, Ward, B., Paynter, Barrett, Martin, Phillips, Mandt, Statler, Pinson, Miller, and Sypolt: Businesses may not give change in the form of "scrip" without the customer's consent	309					309
*2372 -	By Delegates Howell, Ward, B., Paynter, Barrett, Martin, Phillips, Mandt, Statler, Pack, J., Graves, and Pinson: Allow pre-candidacy papers to be filed the day after the general election (Chapter 106, Acts, Regular Session, 2021)	309	462	1436, 1438	569, 1438	1436	309, 521, 547, 569, 1438, 1635, 2360
2373 -	By Delegates Howell, Ward, B., Paynter, Barrett, Martin, Phillips, Mandt, Statler, Pack, J., Graves, and Pinson: Home Based Business Fairness Act	309					309

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2374 -	By Delegates Howell, Ward, B., Paynter, Martin, Mandt, Statler, Pack, J., Pinson, Miller, Jeffries, D., and Jeffries, J.: Requiring payment of taxes on an owned mobile home to renew motor vehicle registration tags	309					309
2375 -	By Delegates Hott, Howell, Ward, B., Jennings, Rowan, Martin, Phillips, Statler, Miller, Sybolt, and Jeffries, D.: Relating to the State purchasing property around the Mount Storm merchant power plant	310					310
2376 -	By Delegates Smith, Ellington, Jeffries, J., Horst, Paynter, Steele, Phillips, Longanacre, and Clark: Allow concealed carry on and in capitol grounds	310					310
2377 -	By Delegates Westfall, and Hott: Apply death penalty for first degree murder of law enforcement officer or first responder	310					311
2378 -	By Delegates Westfall, Queen, and Hott: Providing enhanced criminal penalties for offenses committed against law-enforcement officers or first responders	311					311
2379 -	By Delegates Westfall, Queen, and Hott: Make criminal invasion of privacy a felony	311	1010		1236	3695	311, 1140, 1173, 1236, 1237, 3695, 3696
2380 -	By Delegates Westfall, Queen, and Hott: Banning convicted sex offenders from driving taxis, ride share, limousines, and buses	311					312
2381 -	By Delegate Higginbotham: Authorizing the suspension or dismissal of school personnel who retaliate against a student or parent who has made a complaint	312					312
*2382 -	By Delegate Foster: Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards (Chapter 177, Acts, Regular Session, 2021)	312	923		1114	1738	312, 704, 807, 1006, 1072, 1114, 1115, 2518, 2980
2383 -	By Delegate Foster: Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources	312					312
2384 -	By Delegate Foster: Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of solid waste	312					312

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2385 -	By Delegate Foster: Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from municipal solid waste landfills	312					312
2386 -	By Delegate Foster: Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to acid rain provisions and permits	313					313
2387 -	By Delegate Foster: Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants	313					313
2388 -	By Delegate Foster: Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of greenhouse gas emissions from existing coal-fired electric utility generating units	313					313
2389 -	By Delegate Foster: Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards	313					313
2390 -	By Delegate Foster: Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management system	313					313
2391 -	By Delegate Foster: Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment rule	313					314
2392 -	By Delegate Foster: Authorizing the Department of Commerce to promulgate a legislative rule relating to tourism development districts	314			1122		314, 1122
2393 -	By Delegate Foster: Authorizing the Division of Labor to promulgate a legislative rule relating to high pressure steam boiler and forced flow steam generator requirements	314					314
2394 -	By Delegate Foster: Authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rule governing the submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia	314					314

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2395 -	By Delegate Foster: Authorizing the Division of Natural Resources to promulgate a legislative rule relating to Cabwaylingo State Forest trail system two year pilot program permitting ATV's and ORV's	314					314
2396 -	By Delegate Foster: Authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining the terms used in all hunting and trapping	314					314, 1320.
2397 -	By Delegate Foster: Authorizing the Division of Natural Resources to promulgate a legislative rule relating to deer hunting rule	315					315
2398 -	By Delegate Foster: Authorizing the Division of Natural Resources to promulgate a legislative rule relating to special migratory game bird hunting	315					315
2399 -	By Delegate Foster: Authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting	315					315
*2400 -	By Delegate Foster: Authorizing the Department of Transportation to promulgate legislative rules (Chapter 178, Acts, Regular Session, 2021)	315	1089	2466-2468	1314, 2469	2466	315, 1175, 1249, 1313, 1314, 2469, 2933, 4387
2401 -	By Delegate Foster: Authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to examination and issuance of driver's license	315					315
2402 -	By Delegate Foster: Authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to denial, suspension, revocation, disqualification, restriction, non-renewal, cancellation, administrative appeals and reinstatement of driving privileges	315					315
2403 -	By Delegate Foster: Authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to compulsory motor vehicle liability insurance	316					316
2404 -	By Delegate Foster: Authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to special purpose vehicles	316					316
2405 -	By Delegate Foster: Authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to private club licensing	316					316

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2406 -	By Delegate Foster: Authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to distilleries, mini-distilleries, and micro-distilleries	316					316
2407 -	By Delegate Foster: Authorizing the Division of Financial Institutions to promulgate a legislative rule relating to rule pertaining to the fintech regulatory sandbox	316					316
2408 -	By Delegate Foster: Authorizing the Insurance Commissioner to promulgate a legislative rule relating to fingerprinting requirements for applicants for insurance producer and insurance adjuster license	316					317
2409 -	By Delegate Foster: Authorizing the Insurance Commissioner to promulgate a legislative rule relating to insurance adjusters	317					317
2410 -	By Delegate Foster: Authorizing the Insurance Commissioner to promulgate a legislative rule relating to credit for reinsurance	317					317
2411 -	By Delegate Foster: Authorizing the Insurance Commissioner to promulgate a legislative rule relating to continuing education for individual insurance producers and individual insurance adjusters	317					317
2412 -	By Delegate Foster: Authorizing the Insurance Commissioner to promulgate a legislative rule relating to mental health parity	317					317
2413 -	By Delegate Foster: Authorizing the Insurance Commissioner to promulgate a legislative rule relating to health benefit plan network access and adequacy	317					317
2414 -	By Delegate Foster: Authorizing the Municipal Pensions Oversight Board to promulgate a legislative rule relating to exempt purchasing	317					318
2415 -	By Delegate Foster: Authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing	318					318
2416 -	By Delegate Foster: Authorizing the Racing Commission to promulgate a legislative rule relating to greyhound racing	318					318
2417 -	By Delegate Foster: Authorizing the Racing Commission to promulgate a legislative rule relating to advance deposit account wagering	318					318

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2418 -	By Delegate Foster: Authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia lottery interactive wagering rule	318					318
2419 -	By Delegate Foster: Authorizing the State Tax Department to promulgate a legislative rule relating to tax credit for providing vehicles to low-income workers	318					318
2420 -	By Delegate Foster: Authorizing the State Tax Department to promulgate a legislative rule relating to downstream natural gas manufacturing investment tax credit	318					319
2421 -	By Delegate Foster: Authorizing the State Tax Department to promulgate a legislative rule relating to high-wage growth business tax credit	319					319
2422 -	By Delegate Foster: Authorizing the Department of Administration to promulgate a legislative rule relating to purchasing	319					319
2423 -	By Delegate Foster: Authorizing the State Board of Risk and Insurance Management to promulgate a legislative rule relating to mine subsidence insurance	319					319
2424 -	By Delegate Foster: Authorizing the State Board of Risk and Insurance Management to promulgate a legislative rule relating to public entities insurance program	319					319
2425 -	By Delegate Foster: Authorizing the State Board of Risk and Insurance Management to promulgate a legislative rule relating to procedures for providing written notification of claims of potential liability to the state or its employees	319					319
2426 -	By Delegate Foster: Authorizing the Division of Rehabilitation Services to promulgate a legislative rule relating to Ron Yost Personal Assistance Services Act Board	319					320
*2427 -	By Delegate Foster: Authorizing the Department of Health and Human Resources to promulgate legislative rules (Chapter 179, Acts, Regular Session, 2021)	320	1394	2661-2674	2674	2661	320, 1537, 1569, 1594, 1595, 2674, 4382, 4388
2428 -	By Delegate Foster: Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to hospital licensure	320					320

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2429 -	By Delegate Foster: Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to nursing home licensure	320					320
2430 -	By Delegate Foster: Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to lead abatement licensing	320					320
2431 -	By Delegate Foster: Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services	320					320
2432 -	By Delegate Foster: Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to client rights at state-operated mental health facilities	321					321
2433 -	By Delegate Foster: Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to delegation of medication administration and health maintenance tasks to approved medication assistive personnel	321					321
2434 -	By Delegate Foster: Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public health standards for businesses remaining open during the COVID-19 outbreak	321					321
2435 -	By Delegate Foster: Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to diabetes self-management education	321					321
2436 -	By Delegate Foster: Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to West Virginia clearance for access, registry, and employment screening	321					321
2437 -	By Delegate Foster: Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to recovery residence certification and accreditation program	321					322
2438 -	By Delegate Foster: Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child placing agencies licensure	322					322

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2439 -	By Delegate Foster: Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults and vulnerable and transitioning youth group homes and programs in West Virginia	322					322
2440 -	By Delegate Foster: Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to procedure to contest the substantiation of child abuse or neglect	322					322
2441 -	By Delegate Foster: Authorizing the Health Care Authority to promulgate a legislative rule relating to exemption from certificate of need	322					322
2442 -	By Delegate Foster: Authorizing the Fire Commission to promulgate a legislative rule relating to standards for the certification and continuing education of municipal, county, and other public sector building code officials, building code inspectors, and plans examiners	322					323
2443 -	By Delegate Foster: Authorizing the Fire Marshal to promulgate a legislative rule relating to standards for the certification and continuing education municipal, county, and other public sector building code officials, building code inspectors, and plans examiners	323					323
2444 -	By Delegate Foster: Authorizing the State Emergency Response Commission to promulgate a legislative rule relating to emergency planning and community right to know	323					323
2445 -	By Delegate Foster: Authorizing the State Emergency Response Commission to promulgate a legislative rule relating to emergency planning grant program	323					323
2446 -	By Delegate Foster: Authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control	323					323
2447 -	By Delegate Foster: Authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia Seed Law	323					324

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2448 -	By Delegate Foster: Authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of meat and poultry	324					324
2449 -	By Delegate Foster: Authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas	324					324
2450 -	By Delegate Foster: Authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to seed certification program	324					324
2451 -	By Delegate Foster: Authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to WV exempted dairy farms and milk and milk products processing rules	324					324
2452 -	By Delegate Foster: Authorizing the Auditor to promulgate a legislative rule relating to standards for requisitions for payment issued by State Officers on the Auditor	324					324
2453 -	By Delegate Foster: Authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders and funeral establishment requirements	325					325
2454 -	By Delegate Foster: Authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to crematory requirements	325					325
2455 -	By Delegate Foster: Authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to fee schedule	325					325
2456 -	By Delegate Foster: Authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to rule governing the West Virginia Board of Hearing Aid Dealers	325					325
2457 -	By Delegate Foster: Authorizing the Board of Landscape Architects to promulgate a legislative rule relating to registration of landscape architects	325					325
2458 -	By Delegate Foster: Authorizing the Board of Landscape Architects to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals	325					326

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2459 -	By Delegate Foster: Authorizing the Livestock Care Standards Board to promulgate a legislative rule relating to livestock care standards	326					326
2460 -	By Delegate Foster: Authorizing the Board of Medicine to promulgate a legislative rule relating to registration to practice during declared state of emergency	326					326
2461 -	By Delegate Foster: Authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to telehealth practice; requirements, definitions	326					326
2462 -	By Delegate Foster: Authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians	326					326
2463 -	By Delegate Foster: Authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to emergency temporary permits to practice during states of emergency or states of preparedness	326					326
2464 -	By Delegate Foster: Authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy	327					327
2465 -	By Delegate Foster: Authorizing the Board of Pharmacy to promulgate a legislative rule relating to Uniform Controlled Substances Act	327					327
2466 -	By Delegate Foster: Authorizing the Board of Pharmacy to promulgate a legislative rule relating to board of pharmacy rules for continuing education for licensure of pharmacists	327					327
2467 -	By Delegate Foster: Authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure of wholesale drug distributors, third party logistics providers, and manufacturers	327					327
2468 -	By Delegate Foster: Authorizing the Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring program	327					328

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2469 -	By Delegate Foster: Authorizing the Board of Pharmacy to promulgate a legislative rule relating to board of pharmacy rules for immunizations administered by pharmacists and pharmacy interns	328					328
2470 -	By Delegate Foster: Authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for physical therapist and physical therapist assistants	328					328
2471 -	By Delegate Foster: Authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for physical therapist and physical therapist assistants	328					328
2472 -	By Delegate Foster: Authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for athletic trainers	328					328
2473 -	By Delegate Foster: Authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for athletic trainers	328					328
2474 -	By Delegate Foster: Authorizing the Board of Professional Surveyors to promulgate a legislative rule relating to examination and licensing of professional surveyors in West Virginia	328					328
2475 -	By Delegate Foster: Authorizing the Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage business	329					329
2476 -	By Delegate Foster: Authorizing the Board of Respiratory Care to promulgate a legislative rule relating to criteria for licensure	329					329
2477 -	By Delegate Foster: Authorizing the Secretary of State to promulgate a legislative rule relating to loan and grant programs under the Help America Vote Act (HAVA) for the purchase of voting equipment, election systems, software, services and upgrades	329					329
2478 -	By Delegate Foster: Authorizing the Secretary of State to promulgate a legislative rule relating to guidelines and standards for electronic notarization	329					329

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2479 -	By Delegate Foster: Authorizing the Bureau of Senior Services to promulgate a legislative rule relating to shared table initiative for senior citizens	329					329
2480 -	By Delegates Foster, and Hanna: Relating to state boards of examination or registration	342					342
2481 -	By Delegate Foster: Removing and modifying certain requirements for employers relating to wages for construction of public improvements	342					342
2482 -	By Delegate Foster: Clarifying that municipalities may enact ordinances for rates, fees, and charges based upon actual use of services	342					343
2483 -	By Delegates Foster, and Higginbotham: Relating to preventing compensatory damage awards for medical expenses from including certain sums	343					343
2484 -	By Delegates Fast, and Rowe: Relating to relocation or closure of state higher education institutions	343					344
2485 -	By Delegate Higginbotham: Public Participation Protection Act	344					344
2486 -	By Delegates Higginbotham, Hanna, and Zukoff: Qualifying not-for-profit private baccalaureate institutions for the Advanced Career Education Programs and the WV Invests Grant Program	344					344
2487 -	By Delegate Higginbotham: Creating a Campus Mentors pilot program	344					344
*2488 -	By Delegate Foster: Relating to an occupational limited license	344	1325, 1761		2378		344, 1325, 1883, 2348, 2378, 2379
2489 -	By Delegate Foster: The Genealogical Record Integrity Act of 2020	344					344. 1833
2490 -	By Delegates Gearheart, Mandt, Jeffries, J., Ellington, Criss, Haynes, and Kimes: Requiring fifty percent of all reappropriated revenue accounts to be surrendered to general revenue	345					345
2491 -	By Delegates Foster, and Jeffries, D.: Expanding the eligibility requirements for private investigator and security guard licensure	345					345
2492 -	By Delegates Evans, Fleischauer, and Paynter: Increasing the penalty for DUI causing death when a child is present	345					345

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2493 -	By Delegates Criss, Anderson, Graves, Householder, Barrett, Espinosa, Storch, Rohrbach, Gearheart, and Pack, J.: Providing valuation limitations for coal property taxation and clarifying the penalties for non-filers	345	524, 1014, 1575		1914		346, 524, 1140, 1173, 1237, 1621, 1889, 1914
2494 -	By Delegates Westfall, Queen, Smith, Barrett, Storch, Lovejoy, and Riley: Create license plate for autism awareness	346					346
*2495 -	By Delegates Westfall, Kessinger, Pack, L., and Keaton: Relating to the filing of asbestos and silica claims (Chapter 4, Acts, Regular Session, 2021)	346	1147		1379	2469	346, 1250, 1318, 1378, 1379, 2933, 4387
2496 -	By Delegates Householder, Graves, Criss, Rowe, Storch, Gearheart, and Pack, L.: Relating to assessments of real property	346	971, 1185		1465		347, 971, 1388, 1465
2497 -	By Delegates D. Jeffries, Dean, Householder, Pinson, and Wamsley: Eliminate permit needed to hunt trap or fish for veterans who suffer PTSD	347					347
2498 -	By Delegates Gearheart, Paynter, Maynard, Barnhart, Jeffries, J., Ellington, Criss, Householder, Haynes, and Kimes: Ensure State Road Construction Account funds are in addition to general highways funds provided to the DOT districts	347					347
*2499 -	By Delegates Howell, Householder, Horst, Hamrick, Ward, B., Steele, Foster, Kessinger, Linville, Ellington, and (Mr., Hanshaw: Tax reduction for arms and ammo manufacturing (Chapter 260, Acts, Regular Session, 2021)	348	1186	2470	1465, 2470	2470	349, 1320, 1388, 1465, 1466, 2470, 2585, 3056
2500 -	By Delegates Foster, Dean, Steele, Mandt, and Jeffries, J.: Create an act for Statewide Uniformity for Auxiliary Container Regulations (Chapter 73, Acts, Regular Session, 2021)	349	424		520	4303	349, 457, 475, 520, 4303, 4374, 4387
2501 -	By Delegates Gearheart, Mandt, Ferrell, Storch, Smith, Maynard, Ellington, Criss, Householder, and Wamsley: Suspend School Aid Funding Formula implementation until budget year 2024	349					349

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2502 -	By Delegates Gearheart, Mandt, Maynard, Jeffries, J., Ellington, Criss, Haynes, and Kimes: Specified percent of all “unencumbered” special revenue accounts to be surrendered to general revenue if there has been activity in the account for specified periods	349					349
2503 -	By Delegates Gearheart, Mandt, Ferrell, Paynter, Jeffries, J., Ellington, Criss, Householder, Haynes, and Kimes: Requiring legislative approval of additional parkways bonds and removing tolls once bonds paid	349	1333				350, 1334
2504 -	By Delegates Gearheart, Mandt, Storch, Howell, Ward, B., Pack, L., Ferrell, Haynes, and Kimes: Create a work/incarceration prison pilot program	350					350
2505 -	By Delegates Gearheart, Mandt, Ferrell, Zatezalo, Storch, Howell, Smith, Paynter, Bridges, Maynard, and Jeffries, J.: Allow temporary advertising signage within three weeks of an advertised event	350					350
2506 -	By Delegates Gearheart, Mandt, Ferrell, Storch, Howell, Smith, Barnhart, Jeffries, J., Ellington, Criss, and Householder: Establish a max ratio of the number employees of the Dept of Education to the number of students	350					351
*2507 -	By Delegates Gearheart, Storch, Howell, Smith, Paynter, Bridges, Maynard, Jeffries, J., Ellington, Criss, and Householder: Remove the limitations on advertising and promotional activities by limited video lottery retailers (Chapter 126, Acts, Regular Session, 2021)	351	626	3018-3025	841, 3025	3018	351, 750, 806, 841, 842, 3026, 3027, 4382, 4387
2508 -	By Delegates Gearheart, Mandt, Ferrell, Howell, Paynter, Barnhart, Jeffries, J., Ellington, Criss, and Householder: Require all interim appointments to possess the qualifications required by law	351					351
2509 -	By Delegates Gearheart, Mandt, Ferrell, Zatezalo, Storch, Paynter, Maynard, Barnhart, Jeffries, J., Ellington, and Criss: Make appointment process for Congressional seats the same as that for the US Senate	351					351

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2510 -	By Delegates Foster, and McGeehan: The Parenting Fairness Act of 2021	351					352
2511 -	By Delegate Foster: Relating generally to hunting and fishing	352					352
2512 -	By Delegates Holstein, Wamsley, Pritt, Longanacre, Kimble, and Keaton: Relating to operate a home based business	352					352
2513 -	By Delegate Foster: Relating generally to repealing certain rules	352					353
2514 -	By Delegates Keaton, Barnhart, Linville, Holstein, Haynes, Booth, Ferrell, Hardy, Conley, and Steele: Relating to the Rural Industrial Site Development Act	353					354
2515 -	By Delegates Keaton, Pinson, Wamsley, Linville, Holstein, and Conley: Require regulatory agency heads to have one year experience in the regulated industry	354					354
2516 -	By Delegate Foster: Altering the definition of a specialty contractor under the West Virginia Contractor Licensing Act	354					354
2517 -	By Delegate Foster: Removing marijuana as a tested substance from the screening requirements	354					354
2518 -	By Delegate Fast: Allowing a home improvement transaction to be performed under an oral contract	354					354
2519 -	By Delegate Fast: Repealing provision prohibiting employers from discriminating for use of tobacco products	354					355
2520 -	By Delegate Fast: Requiring the Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person	355					355
2521 -	By Delegate Fast: Limiting supervision of laying of lines on state rights-of-way	355					355
2522 -	By Delegate Fast: Requiring that patching repair of hard surfaced roads, highways and streets be by use of mechanical rollers	355					355
2523 -	By Delegate Fast: Relating to gasoline and fuel excise tax	355					355
2524 -	By Delegates Fast, and Mandt: Modifying the definition of child abuse or neglect to exclude accidental injury	355	1011				356, 1011

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2525 -	By Delegate Fast: Requiring all local special elections to be held on the days and hours of general, primary or state-wide elections	356					356
2526 -	By Delegate Fast: Defining the term minor boundary adjustment	356					356
2527 -	By Delegate Fast: Requiring bail bondsman and bail bond enforcer subject to random drug testing	356					356
2528 -	By Delegate Fast: Requiring purchases to be made at lowest retail price available at level of quality sought by the spending unit	356					357
*2529 -	By Delegate Fast: Prohibiting West Virginia institutions of higher education from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing (Chapter 157, Acts, Regular Session, 2021)	357	479	2675, 2576	605, 2576	2674, 2936	357, 547, 572, 605, 606, 2677, 4374, 4387
2530 -	By Delegates Foster, Fast, and Anderson: Clarifying the definition of an employee for the purposes of unemployment compensation and workers' compensation	357					357
2531 -	By Delegates Fluharty, Lovejoy, and Young: Prohibiting use of a person's credit history in certain insurance transactions	357					357
2532 -	By Delegates Williams, Fleischauer, Barrett, Zukoff, Hansen, and Walker: Requiring the Commissioner of Highways to develop a formula for allocating road funds among districts	357					357
2533 -	By Delegates Pushkin, and Hansen: Providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system	358					358
2534 -	By Delegate Pushkin: Authorizing possession and smoking of medical cannabis by approved persons	358					358
2535 -	By Delegate Fast: Relating to pyramid promotional schemes	358					358
2536 -	By Delegates Higginbotham, Horst, and Longanacre: Relating to expressions of legislative intent regarding equivalent instruction time	333					333, 390, 393

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2537 -	By Delegates Conley, Reynolds, Holstein, Bridges, Keaton, Mallow, Forsht, Barnhart, Bruce, Burkhammer, and Haynes: Preserving and protecting the right to keep and bear arms	377					377
2538 -	By Delegates Pushkin, Lovejoy, Young, Hansen, Zukoff, and Rowe: Adding "sexual orientation" and "gender identity" to the categories covered by the Human Rights Act	377					377
2539 -	By Delegates Pushkin, Zukoff, Rowe, and Walker: Directing the Supreme Court of Appeals to create a pilot domestic violence court in Kanawha County	377					377
2540 -	By Delegates Pushkin, Hansen, and Walker: Providing tax credits to provide vehicles to certain persons	378					378
2541 -	By Delegates Pushkin, Rowe, and Barach: Requiring seat belts on every new school bus	378					378
2542 -	By Delegates Pushkin, Lovejoy, Young, and Walker: Relating to wages of persons with disabilities	378					379
2543 -	By Delegate Pushkin: Relating to calculation of the school aid formula based on net enrollment	379					379
2544 -	By Delegates Hanshaw (Mr. Speaker), and Skaff: Creating the West Virginia Small Business Jumpstart Act	379					379
2545 -	By Delegates Fast, Burkhammer, Foster, Kessinger, Conley, Martin, Pinson, Kelly, D., Pritt, Mazzocchi, and Brown: West Virginia Religious Freedom Restoration Act	380					380
2546 -	By Delegates Pushkin, Higginbotham, Thompson, and Walker: Relating to education to children and adults housed in correctional facilities and regional jails	380					380
2547 -	By Delegates Fluharty, Young, Lovejoy, Zukoff, and Hansen: Establishing the "Stay in State" tax credit	380					381
2548 -	By Delegate Pushkin: Requiring urban renewal authorities to submit proposed urban renewal projects to the affected local county boards of health	381					381
2549 -	By Delegates Pushkin, Lovejoy, and Hansen: Creating the Independent Redistricting Commission of the Joint Committee on Government and Finance	381					382

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2550 -	By Delegates Pushkin, Walker, and Barach: Relating to the cultivation of medical cannabis	382					382
2551 -	By Delegate Pushkin: Relating to consumer protection of new manufactured home warranties	382					382
2552 -	By Delegate Pushkin: Removing the one-time limit on the expungement of certain criminal convictions	382					382
2553 -	By Delegate Pushkin: Relating to the juvenile justice reform oversight committee	383					383
2554 -	By Delegates Fast, and Martin: Relating to notice of discontinuance of service by a utility	383					383
2555 -	By Delegates Fast, Rowan, Foster, Hanna, and Martin: Relating to required courses of instruction	383					383
2556 -	By Delegate Fast: Providing an exemption from regulation by the Public Service Commission for motor vehicles used exclusively in the transportation of roll-off solid waste containers	383					383
2557 -	By Delegate Pushkin: Increasing access to contraceptive drugs, devices, and procedures	384					384
2558 -	By Delegate Pushkin: Creating a domestic violence registry	384					384
2559 -	By Delegate Pushkin: Prohibiting the private ownership or operation of a prison	384					384
2560 -	By Delegates Pushkin, and Walker: Requiring the Public Employees Agency and other health insurance providers to provide mental health parity	384					385
2561 -	By Delegates Williams, and Zukoff: Relating to cruelty to animals	385					385
2562 -	By Delegates Hott, Jeffries, D., and Kelly, D.: Relating to litter control	385					385
2563 -	By Delegates Hanna, and Haynes: Requiring certain municipalities to pay for the incarceration of inmates	385					385
2564 -	By Delegates Williams, Lovejoy, Young, and Zukoff: Requiring free feminine hygiene products in grades 6 through 12	401					401
2565 -	By Delegate Williams: Increasing the minimum wage based upon increases in the consumer price index	401					401

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2566 -	By Delegates Williams, Lovejoy, Brown, and Zukoff: Creating a statutory right to petition circuit and family courts for sibling visitation	402					402
2567 -	By Delegates Fast, and Kelly, D.: Relating to the financial responsibility of inmates in relation to civil awards	402					402
2568 -	By Delegates Hott, Rowan, and Martin: Relating to rules for hunting antlered deer	402					402
2569 -	By Delegate Higginbotham: Providing compensation to victims of abusive lawsuits	402					402
2570 -	By Delegate Williams: Pothole app and map	403					403
2571 -	By Delegate Williams: Relating to the theft of consumer identity protections	403					403
2572 -	By Delegates Smith, Bridges, Gearheart, Martin, Hardy, Hamrick, Hanna, Clark, Howell, Ellington, and Steele: Requiring elections to increase levies have to coincide with a primary or a general election	403					403
*2573 -	By Delegates Rowan, Maynard, Hott, Hardy, Pack, J., Criss, Riley, Anderson, Gearheart, Graves, and Linville: Relating generally to the transparency and accountability of state grants to reduce waste, fraud, and abuse (Chapter 226, Acts, Regular Session, 2021)	403	971, 1544	1657, 1699, 3697-3714	1698, 3714	3696	404, 971, 1618, 1657, 1698, 1701, 3714, 4382, 4387
2574 -	By Delegate Summers: Prohibit employers from requiring employees and prospective employees to have devices implanted or otherwise incorporated into their bodies as a condition of employment	404					404
2575 -	By Delegates Westfall, Wamsley, Statler, Storch, and Lovejoy: Increasing the age limit to 40 for people to test for career fire departments	404	551				404, 552
2576 -	By Delegate Foster: Creating the Virtual Public Schools Act	404					405
2577 -	By Delegate Foster: Create the Statewide Online Education Act	405					405
2578 -	By Delegate Foster: Create the Multi-Door Courthouse Act	405					405
2579 -	By Delegate Foster: Create the Volunteer Immunity and Charitable Organization Liability Limit Act	405					405

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2580 -	By Delegates Nestor, McGeehan, Ferrell, Fast, Lovejoy, Longanacre, Kimes, Fluharty, Kelly, D., Jennings, and Queen: Mandating judgment by a mayor, any individual exercising the mayor's functions, the police court judge, or municipal judge be obligated to the Model Rules of Judicial Conduct	405					406
*2581 -	By Delegates Graves, Criss, Barrett, Anderson, Rohrbach, Kelly, J., Maynard, Burkhammer, Pack, J., Bridges, and Westfall: Providing for the valuation of natural resources property and an alternate method of appeal of proposed valuation of natural resources property (Chapter 261, Acts, Regular Session, 2021)	406	974, 1633	3888-3910	1915, 3911	3888	407, 974, 1736, 1881, 1914, 1915, 3911, 3912, 4382, 4388
2582 -	By Delegates Ellington, Higginbotham, Hanna, Hamrick, Clark, Horst, and Longanacre: Relating to creating a third set of conditions for the professional teaching certificate	373					373, 393
2583 -	By Delegate Fluharty: Authorizing student athletes to be compensated for use of their name, image or likeness	407					407
2584 -	By Delegates Fluharty, and Clark: Prohibiting the home schooling of children in certain circumstances	407					407
2585 -	By Delegates Pushkin, and Rowe: Relating generally to forfeiture of contraband	407					408
2586 -	By Delegate Fluharty: Expanding the amount of promise scholarship funds awarded to persons majoring in science, technology, engineering and mathematics	408					408
2587 -	By Delegate Fluharty: Relating to drug testing of legislators	408					408
2588 -	By Delegates Hansen, Fleischauer, Young, Doyle, and Barach: Creating the WV Energy Efficiency Jobs Creation Act	408					409
2589 -	By Delegates Hansen, Evans, Young, and Rowe: Create the Orphan Well Prevention Act of 2021	409					409
2590 -	By Delegates Queen, Westfall, Haynes, Phillips, Burkhammer, Ward, B., Fast, Keaton, Pinson, and Kelly, D.: Relating to the West Virginia Employment Law Worker Classification Act	524					524, 568

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2591 -	By Delegates Keaton, and Holstein: Allowing drug courts to establish their own process for accrediting community drug recovery programs in certain cases	426					426
*2592 -	By Delegates Summers, Howell, Phillips, Jeffries, J., Sypolt, Riley, Haynes, Ward, G., Kimble, Keaton, and Smith: Require Counties and Municipalities to hold all local elections during statewide elections	427	754, 1622	2349	2379		427, 754, 1736, 1881, 2348, 2379
2593 -	By Delegates Keaton, Haynes, Pinson, Wamsley, Pack, L., Burkhammer, and Ward, B.: Amending the standard of proof for awarding damages in civil litigation	427					427
2594 -	By Delegates Keaton, Wamsley, and Holstein: Creating the Unborn Infants Wrongful Death Act	427					427
2595 -	By Delegates Keaton, Holstein, Barnhart, and Wamsley: Prohibit “divisive concepts” from schools, state agencies and any groups receiving state funding	427					428
2596 -	By Delegate Keaton: Increase the State Police Retirement Benefit multiplier	428					428
2597 -	By Delegates J. Jeffries, Dean, Pack, J., Horst, Mazzocchi, Kimble, Pinson, Martin, and Summers: Prohibiting county airport authorities from making or adopting rules prohibiting possession of firearms in public	428	972				428, 972
2598 -	By Delegates J. Kelly, Anderson, Mandt, Horst, Barnhart, Conley, Cooper, Zatezalo, Queen, Rohrbach, and Graves: Altering the definition of an above ground storage tank	428	523, 818	1066	1003		426, 523, 912, 964, 984, 1003, 1065, 1066
2599 -	By Delegate Doyle: Establish fee Retailers to Pay Wholesalers for purchase of plastic bags	428					428
2600 -	By Delegates Mallow, Conley, Forsht, Bruce, Longanacre, and Miller: Require all public contracts be publicly advertised	444					445
2601 -	By Delegates Fast, Burkhammer, Kessinger, Phillips, Pritt, Bruce, Pinson, Kimble, Kimes, Kelly, D., and Brown: Allow a person to verify proof of hunting or fishing license electronically by their telephone	445					445

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2602 -	By Delegates Mallow, Conley, Forsht, Bruce, Horst, Miller, Sypolt, Pritt, Nestor, and Mandt: Require special elections to be held same day as primary or general election	445					445
2603 -	By Delegates Mallow, Conley, Forsht, Bruce, Horst, Miller, and Pritt: Limit number of visitor bureaus that can exist in a county	445					445
2604 -	By Delegates Mallow, Conley, Forsht, Bruce, Longanacre, Horst, Miller, Pritt, and Holstein: Expand 529 savings plans to include vocational and trade schools	445					445
2605 -	By Delegates Mallow, Conley, Forsht, Bruce, and Miller: Require that a public service district board that represents more than one community have at least one member from each community	446					446
2606 -	By Delegates Mallow, Conley, Forsht, Bruce, Miller, and Holstein: Award military veterans with a "Veterans" license plate	446					446
2607 -	By Delegates Mallow, Conley, Forsht, Bruce, Horst, Miller, Pritt, Holstein, and Longanacre: Require all registered voters to produce a photo ID to vote in all public office elections	446					446
2608 -	By Delegates Mallow, Conley, Forsht, Bruce, Miller, and Holstein: Relating to property taxes dedicated to volunteer fire departments	446					447
2609 -	By Delegates Mallow, Conley, Forsht, Bruce, Horst, Miller, and Holstein: Establish quick response teams to work with drug users who are arrested	447					447
2610 -	By Delegates Fluharty, and Walker: Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists	447					447
2611 -	By Delegates Pushkin, Rowe, and Walker: Establishing the Minority Health Advisory Team	447					447
2612 -	By Delegates Pushkin, Howell, McGeehan, and Walker: Allowing a bar to purchase liquor from a distillery or a mini-distillery	447					447

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2613 -	By Delegate Higginbotham: Providing that the Jobs Investment Trust Board be part of the Department of Commerce	447					448
2614 -	By Delegates J. Pack, and Rohrbach: Creating the Office of Quality Assurance and Evaluation for child welfare programs within the Department of Health and Human Resources	448					448
2615 -	By Delegates J. Pack, and Rohrbach: Relating to the program for drug screening of applicants for cash assistance	448					448
*2616 -	By Delegates J. Pack, and Rohrbach: Amend the reporting to the Governor and the Legislature to have information continuously available on the Office of Health Facility Licensure and Certification's website (Chapter 221, Acts, Regular Session, 2021)	448	526	1438	620, 1439	1438	448, 573, 606, 620, 621, 1439, 1636, 2360
2617 -	By Delegates Barnhart, Foster, Keaton, Hamrick, and Cooper: An Act to Establish a Cap on Government Red Tape	448					449
2618 -	By Delegates Fluharty, Hansen, Lovejoy, and Rowe: Relating to Good Samaritan Food Donation Act	449					449
2619 -	By Delegates J. Pack, and Rohrbach: Update the code to reflect that the Health Care Authority is now part of the organizational structure of the Department of Health and Human Resources	449					449
*2620 -	By Delegates J. Pack, Rohrbach, and Pack, L.: Relating to a departmental study of the child protective services and foster care workforce	449	526				449, 568
*2621 -	By Delegates Steele, Maynard, Skaff, Lovejoy, Statler, Diserio, and Kelly, D.: Mandating certification for certain members of fire departments, require certain types of training, allow specialized personnel who are not firefighters to be members of a department, and require the postings of fire department evaluations (Chapter 231, Acts, Regular Session, 2021)	450	550, 624		842	1638	450, 550, 750, 806, 842, 843, 2359
2622 -	By Delegates Skaff, Zukoff, Walker, Lovejoy, and Young: College Graduate Tax Credit	451					451

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2623 -	By Delegates Skaff, Zukoff, Higginbotham, Lovejoy, and Young: Providing a tax credit to encourage new teachers to remain in the state	451					451
2624 -	By Delegates Skaff, Boggs, and Rowe: Redirecting a percentage of any surplus to state institutions of higher education to restore their state allocation funding levels	451					451
2625 -	By Delegates Skaff, Rowe, and Walker: Permitting election day registration of voters	451					451
2626 -	By Delegates Rohrbach, Pack, J., Summers, Reed, Longanacre, Bates, Criss, Dean, and Steele: Relating to discontinuing operation of certain state facilities	438	438				438
2627 -	By Delegates Barrett, Graves, Espinosa, Criss, Storch, Rowe, Pethtel, Howell, and Householder: Continuing the licensed racetrack modernization fund	466					466
*2628 -	By Delegates Barrett, Criss, Graves, Gearheart, Howell, Householder, Pethtel, Rowe, and Storch: Relating to the removal of the prohibition on having ATMs in the area where racetrack video lottery machines are located	466	550				467, 607, 609
2629 -	By Delegates Nestor, Wamsley, Kimble, Summers, Conley, Reynolds, Fluharty, Sypolt, Jennings, and Cooper: Expanding the scope of hunting, fishing, and trapping benefits provided to former members of the United States Armed forces	467					467
*2630 -	By Delegates Reynolds, Haynes, Wamsley, Riley, Tully, and Hott: Requiring DEP to reimburse fines paid by towns, villages and communities in certain instances	467	1186		1563		467, 1320, 1388, 1393, 1539, 1563
2631 -	By Delegates Hott, Kelly, D., Graves, Ward, B., Westfall, Dean, Paynter, Hamrick, Phillips, Mandt, and Pritt: Provide for WVDNR officers to be able to work "off duty"	467	977				467, 977
2632 -	By Delegate Criss: Permitting Commissioner of Highways to make transfers of money within the State Road Fund	467	815				467, 815

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2633 -	By Delegates J. Pack, Cooper, Summers, Steele, Hanna, Graves, Phillips, Barnhart, Rohrbach, Ward, G., and Tully: Creating the 2021 Farm Bill (Chapter 7, Acts, Regular Session, 2021)	468	756, 1180	2677-2744	1466, 2744	2677	470, 756, 1320, 1388, 1466, 2744, 4382, 4388
*2634 -	By Delegates Rohrbach, Pack, J., Summers, Reed, Longanacre, Ward, G., Forsht, Smith, Bates, Steele, and Espinosa: Coverage for the treatment of chronic pain	471	551, 1084				471, 552, 1175, 1249
2635 -	By Delegate Fluharty: Repealing antiquated provisions relating to gaming activities	471					471
2636 -	By Delegates Skaff, and Rowe: Establishing a 911 Emergency Services Retirement System	471					472
2637 -	By Delegates Skaff, and Walker: West Virginia Residential Incentive Tax Credit Act	472					472
2638 -	By Delegates Hornbuckle, and Skaff: Granting full time employees of county boards of education three months of paid leave following the birth of a child	495					495
2639 -	By Delegate Hornbuckle: Workplace Violence Prevention for Health Care and Social Service Workers Act	495					495
2640 -	By Delegate Hornbuckle: Establishing a tax credit for businesses who hire, promote and develop women and minorities into executive, professional or administrative roles	496					496
2641 -	By Delegate Hornbuckle: The Young Professional Tax Credits	496					496
2642 -	By Delegate Hornbuckle: Reentry Task Force	496					497
2643 -	By Delegates Hornbuckle, and Lovejoy: Making it a misdemeanor for a person to knowingly allow a felony drug offense to be committed on his or her property	497					497
2644 -	By Delegates Skaff, Boggs, and Maynard: West Virginia Innovation Free-Trade Business Technology Property Valuation Act and the West Virginia Innovation Free-Trade Tax Credit Act	497					498
2645 -	By Delegates Skaff, Jeffries, D., and Rowe: Establishing a class of employees within the West Virginia Public Employees Retirement System consisting of 911 staff	498					498

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2646 -	By Delegates Brown, Boggs, and Lovejoy: Establishing a special registration plate for recognizing and honoring families affected by Alzheimer's disease	498					498
2647 -	By Delegates Walker, Fleischauer, and Hansen: Prohibiting the use of polystyrene containers	498					498
2648 -	By Delegates Hornbuckle, and Lovejoy: Authorizing a temporary foreign brewers import license	498					498
2649 -	By Delegate Hornbuckle: Modifying the tax on soft drinks to only cover sugary drinks	499					499
2650 -	By Delegates Hornbuckle, Rohrbach, Lovejoy, and Young: Establishing a pilot program to develop school-based mental and behavioral health services	499					499
2651 -	By Delegates Hornbuckle, and Lovejoy: Creating a pilot program for expansion of school-based mental health and school-based diversion	499					499
2652 -	By Delegates Hornbuckle, Paynter, and Walker: Modifying the school calendar	499					499
2653 -	By Delegates Walker, Skaff, Hansen, and Young: Providing a tax exemption for income from a qualified retirement plan used to pay for long-term care	500					500
2654 -	By Delegates Walker, and Hansen: Relating to rulemaking for healthcare plans	500					500
2655 -	By Delegates Walker, Skaff, Zukoff, and Hansen: Expanding felony hate crime protections to individuals on the basis of perceived or actual sexual orientation	500					500
2656 -	By Delegates Walker, Zukoff, and Hansen: Exempting from personal property taxation, vehicles of certain volunteer firefighters	500					500
2657 -	By Delegates Walker, and Hansen: Relating to the Antihazing Law	501					501
2658 -	By Delegate Hornbuckle: Mountaineer Games Sports League	501					501
2659 -	By Delegate Hornbuckle: Granting jurisdiction to supervise youth sport league events to county boards of education and the Secondary School Activities Commission	501					501
2660 -	By Delegate Hornbuckle: Creating a policy on vaccine preventable diseases	501					501

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2661 -	By Delegates Hornbuckle, Anderson, Rohrbach, and Lovejoy: Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash	501					501
2662 -	By Delegates Hornbuckle, Hansen, Lovejoy, and Walker: Prohibiting certain devices which enhance a diesel-powered vehicle's capacity to emit soot	502					502
2663 -	By Delegates Hornbuckle, Rowan, Lovejoy, and Young: Relating to insurance coverage for breast cancer screening	502					502
2664 -	By Delegates Hornbuckle, Zukoff, Lovejoy, and Rowe: Screening for adverse childhood experiences	502					502
2665 -	By Delegates Hornbuckle, and Higginbotham: Be Exceptional Starting Today Act	502					503
2666 -	By Delegates Holstein, Pritt, Wamsley, Kimble, Barnhart, and Keaton: Clarifying who may absentee vote	503					504
*2667 -	By Delegates Riley, Hansen, Queen, Hanna, Skaff, Steele, Hardy, Clark, Criss, Capito, and Reynolds: To create a cost saving program for state buildings regarding energy efficiency (Chapter 146, Acts, Regular Session, 2021)	504	1086, 1632		1915	4369	504, 1086, 1736, 1881, 1915, 1916, 4383, 4388
2668 -	By Delegate Criss: Removing obsolete provisions regarding DOH standards for studded tires and chains	504	816				504, 817
2669 -	By Delegates Walker, Fleischauer, Hansen, and Rowe: Establishing tax credits for lead abatement in child occupied residences	504					504
2670 -	By Delegate Capito: Creating a special license plate for aviation	504					505
*2671 -	By Delegates Rowan, Sypolt, Martin, Mandt, Queen, Hanna, Zukoff, Pinson, Rohrbach, Smith, and Kelly, J.: Relating to financial exploitation of elderly persons, protected persons or incapacitated adults (Chapter 5, Acts, Regular Session, 2021)	505	549, 850	4301-4311	1067, 4311	4304	505, 549, 965, 1006, 1067, 4311, 4383, 4388
2672 -	By Delegates Tully, and Summers: Relating to posting of safety information in hospitals	505					505
2673 -	By Delegate Criss: Exempting Division of Highways from Purchasing Division procedures	505					505

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2674 -	By Delegates Tully, Summers, and Bates: Relating to the administration of anesthetics	505	817	1004	1004		505, 912, 964, 1004, 1005
*2675 -	By Delegate Criss: Relating to the interest rate for condemnation cases and creating conformity with statutory rates	505	627		1916		506, 750, 806, 811, 1889, 1916, 1922, 1923
2676 -	By Delegate Westfall: Relating to participation in athletic events exclusively for males and females	506					506
2677 -	By Delegates Steele, Diserio, Jeffries, D., Lovejoy, Maynard, Barrett, Skaff, Fluharty, and Kelly, D.: Relating to increasing the amount of money for which a purchase may be made without obtaining three bids to ten thousand dollars	506	1331				506, 1331
2678 -	By Delegate Steele: Providing for a limitation on when a hearing or trial may be deemed finally adjudicated when relevant forensic scientific evidence was not able to be presented at the time of trial	506					507
2679 -	By Delegates Steele, Foster, Pack, J., and Graves: Relating to cause of action for the spread of a communicable disease	507					507
2680 -	By Delegates Westfall, and Hott: Amending the Consumer Credit and Protection Act	507					508
2681 -	By Delegates Westfall, Hott, Espinosa, Bates, Pack, L., and Rowe: Authorizing the Insurance Commissioner to transfer moneys from the Insurance Commission Fund into the Workers' Compensation Old Fund to reduce any deficit balance of the Old Fund	508	552				508, 552
*2682 -	By Delegates Westfall, Hott, and Espinosa: Relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements (Chapter 165, Acts, Regular Session, 2021)	508	552, 919	1439, 1450	1439	1115, 1451	508, 552, 1006, 1077, 1115, 1116, 1451, 1636, 2360
2683 -	By Delegates Steele, Diserio, Maynard, Hanna, Barrett, Jeffries, D., Fluharty, and Skaff: Clarifying that the office is responsible to plan for emergency and disaster response, recovery, and resiliency	508					508

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2684 -	By Delegates Walker, and Fleischauer: Creating a duty to disclose by owners of property that knew or should have known that crystal methamphetamine production was occurring	509					509
2685 -	By Delegate Walker: Relating to state certification of industrial hemp and medical cannabis seed	509					509
2686 -	By Delegates Westfall, and Hott: Establish a system to remediate fiscal emergencies of local governments	509					509
2687 -	By Delegates Higginbotham, Rohrbach, Ward, G., and Thompson: To prohibit minors from dropping out of high school unless they are emancipated	509					509
*2688 -	By Delegates Higginbotham, and Pack, L.: Allow county political parties to have building funds in a similar manner that state parties are allowed (Chapter 107, Acts, Regular Session, 2021)	510	968	4346	1167, 4346	4346	510, 1079, 1122, 1167, 4347, 4383, 4387
2689 -	By Delegate Higginbotham: Granting convicted criminals the right to a retrial if scientific methods used to convict are later determined to be outdated or false	510					510
2690 -	By Delegate Higginbotham: To provide that out of school suspensions be considered "excused" absences	510					510
2691 -	By Delegate Higginbotham: Tax emption for border cities and counties for gas tax	510					510
2692 -	By Delegates Higginbotham, Pack, J., Rohrbach, and Ellington: To allow for coverage of addiction telehealth services to out-of-state providers	510					511
2693 -	By Delegates Steele, Foster, and Pack, J.: Eliminating the Human Rights Commission	511					511
*2694 -	By Delegates Steele, Foster, Summers, Pack, J., Phillips, Jeffries, D., Clark, Sypolt, Maynard, Graves, and Howell: Create the 2nd Amendment Preservation Act (Chapter 277, Acts, Regular Session, 2021)	511	1539	1701, 4311-4320	1701, 4320	4311, 4369	511, 1618, 1657, 1701, 1702, 4320, 4383, 4388
2695 -	By Delegates Westfall, Hott, Espinosa, Pack, L., and Rowe: Consolidate the statutory positions of Director of the Insurance Fraud Unit and Inspector General of the former Workers' Compensation Commission Fraud and Abuse Unit.	511	553				512, 553

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2696 -	By Delegates Steele, Statler, Skaff, Fluharty, Maynard, Barrett, Lovejoy, Diserio, Garcia, and Kelly, D.: Creating the fire service equipment and training fund	512					512
2697 -	By Delegates Walker, Barrett, Rowe, Young, and Hansen: Relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act	512					512
2698 -	By Delegates Walker, Hansen, Evans, Young, and Pushkin: Making it illegal to discriminate based on hair texture or hair style	512					513
*2699 -	By Delegate Capito: Authorize the Workforce West Virginia to hire additional employees to serve at the Commissioner's will and pleasure	513	625				513, 625
2700 -	By Delegates J. Pack, and Riley: Informing water customers of boiled water advisories	513					513
2701 -	By Delegate Capito: Relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G drivers license (Chapter 187, Acts, Regular Session, 2021)	513	705		909	1550	513, 807, 845, 909, 1767, 2586
*2702 -	By Delegates Capito, Higginbotham, and Thompson: To require all public high school students to complete and submit a free application for federal student aid (FAFSA) prior to graduation	513	967				513, 1079, 1083, 1573, 1615, 1649
2703 -	By Delegates Rohrbach, and Pack, J.: Clarify that a temporary permit to practice medicine conveys the same authority unto the holder as a license	513					514
2704 -	By Delegates Holstein, and Mandt: Creating the "Civic Minded Mountaineer Scholarship."	514					514
*2705 -	By Delegate J. Pack: Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments	514	969		1168		514, 1079, 1122, 1168
2706 -	By Delegates Capito, and Pack, L.: Authorizing and permitting the Economic Development Authority to make working capital loans from a revolving loan fund capitalized with federal grant funds including those federal grant funds received from the United States Economic Development Administration	514					514

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2707 -	By Delegates Tully, and Summers: Relating to prescriptive authority for advanced practice registered nurses	514					514
2708 -	By Delegates Rohrbach, Fleischauer, Griffith, Barach, Bates, Tully, Toney, Walker, Pushkin, Dean, and Worrell: Relating generally to required health insurance coverage for diabetics	514					515
2709 -	By Delegates Capito, Keaton, and Pack, L.: Providing that the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program does not exceed the principal sum of the bond (Chapter 44, Acts, Regular Session, 2021)	515	704		909	1494	515, 807, 845, 909, 910, 1636, 2360
2710 -	By Delegate J. Kelly: Providing counties the power to establish a county sales tax under certain circumstances	515					515
2711 -	By Delegates J. Kelly, and Wamsley: Permitting persons who are twenty-one years of age or older to operate or be a passenger on a motorcycle without a helmet	515					515
2712 -	By Delegate J. Kelly: Modifying the school calendar to begin not earlier than September 1 and end no later than June 7	515					515
2713 -	By Delegates Criss, Evans, and Mandt: WV 2021 Plan for Securing WV Coal Supplies	516					516
2714 -	By Delegates Hornbuckle, Hansen, and Lovejoy: Collecting a tax from manufacturers and distributors of opium and opiate drugs to be used for funding addiction and prevention	516					516
2715 -	By Delegate Foster: Creating a State Central Legal Advertising Website	516					516
2716 -	By Delegate Espinosa: West Virginia Public Participation Protection Act	516					517
2717 -	By Delegates Mallow, Holstein, Nestor, Forsht, and Conley: Assure West Virginians proper access to water and sewage service at reasonable rates	534					534
2718 -	By Delegates Mallow, Forsht, Bruce, Conley, and Wamsley: Better protect citizens in the event of a car accident with an uninsured motorist	534					535
2719 -	By Delegates Linville, Wamsley, and Espinosa: Relating to the Division of Motor Vehicles use of electronic means and other alternate means to provide notice	535	815, 1577				535, 816, 1621

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2720 -	By Delegate Criss: Creating a Merit-Based Personnel System within DOT (Chapter 147, Acts, Regular Session, 2021)	536	1326, 1665	3714-3716	1916, 3717	3714	535, 1326, 1736, 1881, 1916, 3717, 4383, 4387
2721 -	By Delegates Linville, Wamsley, Espinosa, and Rowe: Providing electronic notice of school attendance and satisfactory progress to the Division of Motor Vehicles in lieu of requiring each student to provide a paper notice	535	816, 1577				535, 816, 1658, 1679
*2722 -	By Delegates Espinosa, Summers, Kelly, J., Statler, Hansen, and Young: Prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals (Chapter 232, Acts, Regular Session, 2021)	535	755, 849		1067	2980	536, 755, 965, 1006, 1067, 1068, 2980, 4374, 4387
2723 -	By Delegates Capito, and Wamsley: Relating to providing taxpayers a deduction for interest paid on qualified education loans to the extent such amount is not allowable as a deduction when arriving at a taxpayer's federal adjusted gross income	536					536
2724 -	By Delegates Miller, Rowan, Hott, Howell, Paynter, Mallow, Bruce, Zatezalo, Booth, Reed, and Riley: Requesting funding for a raise for State Police	536					536
2725 -	By Delegate Hansen: Relating to funding for the DEP Office of Oil and Gas	536					536
*2726 -	By Delegates Capito, Rowe, and Pack, L.: Allowing for the lease of air space above public roads for the safe operation of unmanned aircraft	536	1325, 1492	1702	1702		537, 1325, 1616, 1648, 1702, 1703
2727 -	By Delegates J. Kelly, Criss, Summers, Maynard, Conley, Anderson, Jeffries, J., Kimes, Kelly, D., Pinson, and Ward, B.: Providing a special license plate for homeland security individuals	537					537
2728 -	By Delegates Worrell, Pack, J., Steele, Jeffries, D., Jeffries, J., Paynter, and Bridges: Require all vaccinations for school attendance be included in the West Virginia code	537	755				537, 755
2729 -	By Delegates Worrell, McGeehan, Hardy, Phillips, Steele, Dean, Householder, Jeffries, D., Maynard, Jeffries, J., and Paynter: Permit elected officials to carry firearms in the Capitol	537					537

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2730 -	By Delegates Brown, Lovejoy, Garcia, and Zukoff: Relating to persons filing federal bankruptcy petition to exempt certain property of the estate (Chapter 46, Acts, Regular Session, 2021)	537	1682	2027-3031	2380, 3031	3027	537, 1883, 2349, 2379, 2380, 3031, 4383, 4387
2731 -	By Delegates Young, Fleischauer, Walker, and Zukoff: Provide for disclosure of potentially harmful ingredients in menstrual products	538					538
2732 -	By Delegates Hansen, Graves, Skaff, and Higginbotham: Establishing a penalty for any vehicle that is not a plug-in hybrid vehicle or plug-in electric vehicle for utilizing a parking space that is designated for charging an electric vehicle	538					538
2733 -	By Delegates Longanacre, Wamsley, Nestor, Mandt, Dean, Phillips, Conley, Mallow, Forsht, Ferrell, and Hamrick: Relating to the establishment of a Combat Action Badge and Combat Action Ribbon special registration plates	538	813				538, 813
2734 -	By Delegates Conley, Mandt, Kelly, J., Reynolds, Barnhart, Pinson, Mallow, Bruce, Longanacre, and Burkhammer: Require all athletes to perform in sport of the sex they were born	538					539
2735 -	By Delegates Burkhammer, Hanna, Martin, Keaton, Ward, B., Pinson, Wamsley, and Graves: Tax credits for living and deceased organ donors	539					539
2736 -	By Delegates Burkhammer, Martin, Keaton, Ward, B., Pinson, Wamsley, and Graves: Provide a sales tax exemption for firearms and firearm ammunition for WV residents	539					539
2737 -	By Delegate Worrell: Repeal code relating to inspection of vehicles	539					539
2738 -	By Delegates Reynolds, Ferrell, Conley, Longanacre, Wamsley, Steele, Ward, B., Pinson, and Riley: Bias Motivated Intimidation of Responders Prosecution Act	539					539
2739 -	By Delegates Reynolds, Haynes, Pritt, Holstein, Steele, and Mandt: Make WV a 2nd Amendment Sanctuary State	540					540
2740 -	By Delegates Westfall, Hott, and Wamsley: Distracted Driving Act	540					540

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2741 -	By Delegates Linville, and Pack, L.: Relating to expansion of the alcohol test and lock program to offenders with a drug related offense	540	625				540, 750, 806, 811, 1388
2742 -	By Delegates Linville, Wamsley, Espinosa, and Rowe: Providing explicit authority to process an online driver's license or identification renewal or reissuance when the applicant needs to update the address	540	816, 1184		1466		541, 816, 1320, 1466, 1467
2743 -	By Delegates Summers, Householder, Westfall, Hott, Horst, Reed, Mallow, Forsht, and Wamsley: Related to the Unemployment Insurance Program Integrity Act and enacting the unemployment compensation indexing system	541					541
2744 -	By Delegate Westfall: Provide for a change in compensation for the Board of Public Works beginning July 1, 2021	541					541
2745 -	By Delegates Fast, Foster, Criss, Kelly, D., Hott, Reynolds, and Westfall: Exempting the Division of Emergency Management from the Purchasing Division for purposes of examination and approving contracts of the Division of Emergency Management	541					542
2746 -	By Delegates Ellington, Statler, Kessinger, Hanna, Tully, Toney, Horst, Hott, Smith, Jennings, and Martin: Establishing the behavioral health workforce education initiative at the Higher Education Policy Commission	542	707				542, 707
*2747 -	By Delegates Fast, Criss, Kelly, D., Reynolds, Hott, Westfall, and Toney: Transferring the Parole Board to the Office of Administrative Hearings (Chapter 148, Acts, Regular Session, 2021)	542	1091, 1335, 1576	4283-4287	1787, 4287	4283	843, 1091, 1335, 1659, 1732, 1787, 4298, 4383, 4388
2748 -	By Delegates Jennings, Hanna, Kelly, J., and Sypolt: Modifying the school calendar to begin not earlier than September 1 and end no later than June 1	543					543
2749 -	By Delegates Lovejoy, Brown, Diserio, Hornbuckle, and Williams: Reestablishing prevailing wages for certain state government contracts	543					543
2750 -	By Delegates Howell, and Hott: Transferring certain property to the Economic Development Office	543					543

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2751 -	By Delegates Westfall, and Hott: Modernize the process for dissolution of municipal corporations in this State	543	1328, 1762				544, 1328, 1888, 2349
2752 -	By Delegates Holstein, Pushkin, and Ferrell: Prohibiting discrimination in access to organ transplants based on physical or mental disability	544					544
2753 -	By Delegates Mallow, Conley, Bruce, Miller, and Forsht: Provide programs to educate senior citizens	544					544
2754 -	By Delegates Pushkin, and Rohrbach: Prohibiting smoking in an enclosed motor vehicle when a child under the age of eight is present	544					544
2755 -	By Delegates Pushkin, and Higginbotham: Requiring the State Board of Education to provide for the routine education of all professional educators	544					545
2756 -	By Delegates Hansen, Walker, Fleischauer, Barach, Young, and Doyle: Allowing increased civil administrative penalties to be promulgated by legislative rules of by the Department of Environmental Protection	545					545
2757 -	By Delegates Hansen, Young, Walker, Lovejoy, Diserio, Williams, Fleischauer, Rowe, Doyle, Pushkin, and Zukoff: Clean Drinking Water Act of 2020	545					546
*2758 -	By Delegates Barrett, Hott, Westfall, Bates, Reed, Rowe, Pack, L., and Fast: Requiring the Insurance Commissioner to regulate professional bondsmen (Chapter 203, Acts, Regular Session, 2021)	546	919	2937-2941	1116, 2941	2936	546, 1006, 1077, 1116, 2941, 4374, 4387
2759 -	By Delegates Dean, Phillips, Paynter, Bridges, Evans, Hansen, Longanacre, Pack, J., Sypolt, Westfall, and Young: Relating to tax credit for disabled veterans for lifetime hunting, trapping and fishing license	528	528				528
*2760 -	By Delegates Capito, Queen, Riley, Mandt, Pack, L., Young, Hott, and Maynard: Relating to economic development incentive tax credits (Chapter 262, Acts, Regular Session, 2021)	565	758, 1334	1517, 1564	1564	3032, 4370	565, 759, 1487, 1517, 1564, 3032, 3039, 4383, 4388

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2761 -	By Delegates Zukoff, and Fluharty: Authorizing the Division of Highways to assess local impacts to roadways for activities permitted by the Department of Environmental Protection	565					566
2762 -	By Delegates Steele, Reynolds, Pack, J., Foster, Kessinger, Householder, Hardy, Kelly, D., Barnhart, Martin, and Jeffries, D.: Exempt from this article any actions arising from the practice of elective abortion or elective abortion relates services	566					566
*2763 -	By Delegate Linville: Creating WV Cyber Incident Reporting (Chapter 149, Acts, Regular Session, 2021)	566	815, 921	2745-2747	1116, 2747	2745	567, 815, 1007, 1077, 1116, 1117, 2747, 4378, 4387
2764 -	By Delegates Capito, Keaton, and Pack, L.: Allow the Division of Financial Institutions to enter into reciprocity agreements with other jurisdictions that operate similar programs to the West Virginia Fintech Sandbox Program (Chapter 45, Acts, Regular Session, 2021)	567	704		910	1494	567, 807, 845, 910, 1636, 2360
*2765 -	By Delegates Capito, and Queen: Relating to allowing emergency management and operations' vehicles operated by airports to use red flashing warning lights (Chapter 270, Acts, Regular Session, 2021)	567	703	2747-2754	911, 2754	2747	567, 807, 845, 910, 911, 2754, 4378, 4387
2766 -	By Delegate Mandt: Creating a felony crime relating to drug delivery resulting in death	567					567
2767 -	By Delegates Walker, and Fleischauer: Creating a law-enforcement transparency board	567					568
2768 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Supplementing, amending and increasing an existing item of appropriation from the State Road Fund, to the Department of Transportation, Division of Highways (Chapter 12, Acts, Regular Session, 2021)	568	1637		1916	2821	568, 1736, 1881, 1916, 1917, 4374, 4387
*2769 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Supplementing, amending and increasing items of existing appropriation from the State Road Fund to the Department of Transportation, Division of Motor Vehicles (Chapter 13, Acts, Regular Session, 2021)	568	1636		1917	2821	568, 1736, 1881, 1917, 1918, 4374, 4387

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2770 -	By Delegates Barrett, and Brown: Including home confinement officers in definition of law-enforcement officers	568	918	1237-1247, 2834-2848, 2865, 3912-3930, 3931-3950	1247, 2865	2834, 3912	568, 1007, 1077, 1078, 1083, 1179, 1237, 1247, 1248, 2866, 3931, 3951
2771 -	By Delegates Young, Queen, Kessinger, Zukoff, Hansen, Fluharty, Capito, Skaff, Garcia, Hornbuckle, and Haynes: Creating the Economic Development Tuition Waiver	596					596
2772 -	By Delegate Jennings: Relating generally to transferring the duties of the Purchasing Division to the State Auditor						
*2773 -	By Delegates Maynard, and Jeffries, J.: Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake (Chapter 193, Acts, Regular Session, 2021)	597	978, 1578		1788	3039	597, 978, 1659, 1732, 1788, 3039, 3040, 4383, 4387
2774 -	By Delegate Cooper: Requiring that a state employee with a commercial driver's license have a current medical evaluation certification	597					597
2775 -	By Delegate Cooper: Relating to the beginning and expiration of hunting and fishing licenses	597	1332				597, 1332
2776 -	By Delegates Westfall, and Pack, L.: Creating the Air Ambulance Patient Protection Act (Chapter 166, Acts, Regular Session, 2021)	597	817, 1010	1174, 1248, 4351-4353	1248, 4354	4351	598, 817, 1140, 1173, 1248, 4353, 4354, 4383, 4388
2777 -	By Delegates Foster, Steele, Jeffries, D., Kimes, Pack, J., and Linville: Repeal municipal amusement tax	598	1185		1467		598, 1320, 1388, 1467
2778 -	By Delegates Foster, Steele, Jeffries, D., Smith, Linville, Ward, G., Burkhammer, Hardy, Jennings, Hanna, and Ellington: Create the Education Tax Credit	598	1397				598, 1078, 1397
2779 -	By Delegates Haynes, Ward, G., Hardy, Mandt, Hanna, Hamrick, Wamsley, Longanacre, Pack, J., Kessinger, and Riley: Allow contracted work by state troopers to be counted toward their retirement instead of overtime	598					598, 1078
2780 -	By Delegates Foster, Steele, Jeffries, D., Smith, Kimes, Pack, J., Linville, and Jennings: Repeal municipal license and tax when state license required	598	1329				598, 1329

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2781 -	By Delegates Foster, Steele, Jeffries, D., Summers, Kimes, Pack, J., Linville, Hardy, and Jennings: To create the Occupational Licensing Legal Fund in the State Treasury	598					599
2782 -	By Delegates Foster, Steele, Jeffries, D., Kimes, and Pack, J.: Repeal domestic animal tax	599	1185		1468		599, 1320, 1388, 1467, 1468
2783 -	By Delegates Steele, Foster, Summers, Pack, J., Jeffries, J., McGeehan, Gearheart, Jennings, Sypolt, and Kimble: Permitting a licensed physician to grant a medical exemption from the required immunizations for a child to enter a school or a state-regulated child care center	599					599
2784 -	By Delegates Bates, Pack, J., Steele, and Evans: Relating to Municipal pension benefit calculations	599					599
*2785 -	By Delegates Worrell, Jeffries, D., Burkhammer, Fast, Pinson, Ellington, and Kimble: Relating to public school enrollment for students from out of state (Chapter 100, Acts, Regular Session, 2021)	599	968	1565, 2755-2858	1565, 2758	2755, 2941	600, 968, 1079, 1123, 1143, 1539, 1565, 1566, 2759, 4375, 4387
2786 -	By Delegate Linville: Relating to Powers and Duties of the Chief Technology Officer	600	816				600, 816
2787 -	By Delegate Linville: Authorizing the Director of the Division of Purchasing to increase or Decrease the dollar limit of agency-delegated procurements based upon inspection	600					601
2788 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund (Chapter 14, Acts, Regular Session, 2021)	601	915		1117	1550	601, 1007, 1083, 1117, 1118, 1767, 2586
*2789 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Supplementing and amending the appropriations to Public Defender Services (Chapter 15, Acts, Regular Session, 2021)	601	916		1119	1550	601, 1007, 1119, 1767, 2586
2790 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Supplementing, amending, decreasing, and increasing items of existing appropriation to Division of Highways (Chapter 16, Acts, Regular Session, 2021)	601	1637		1918	2822	601, 1736, 1881, 1918, 1919, 4375, 4387

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2791 -	By Delegates Kessinger, Higginbotham, Kelly, J., Wamsley, Longanacre, Horst, Clark, Griffith, Kimble, and Tully: Relating to enrollment and costs of homeschooled or private school students at vocational schools (Chapter 101, Acts, Regular Session, 2021)	577	577		747	2651	621, 697, 746, 747, 4375, 4387
*2792 -	By Delegates Anderson, Kelly, J., Zatezalo, Boggs, Criss, Reynolds, and Mandt: Relating to the expansion of direct access to natural gas service for new customers	613	811	1616, 1655	1649		613, 912, 915, 1573, 1616, 1649, 1655, 1656
*2793 -	By Delegates Howell, Horst, Hott, Martin, Fast, Kimble, Hamrick, Reed, Maynard, Statler, and Storch: Permit out of state residents to obtain West Virginia concealed carry permits (Chapter 278, Acts, Regular Session, 2021)	613	1256, 1574	2942-2951	1788, 2851	2942	613, 1256, 1659, 1732, 1788, 2952, 3074, 3673
*2794 -	By Delegates Storch, Westfall, Gearheart, Criss, Howell, Capito, Householder, Anderson, Ellington, Statler, and Rohrbach: To extend the Neighborhood Investment Program Act to July 1, 2026 (Chapter 263, Acts, Regular Session, 2021)	613	1087		1314	4369	613, 1175, 1249, 1314, 1315, 4383, 4387
2795 -	By Delegates Griffith, Rowe, Hornbuckle, Bates, Barach, Doyle, Pushkin, Rohrbach, Evans, Hansen, and Ellington: Relating to criminal justice training regarding autistic persons	613					614
2796 -	By Delegates Summers, Tully, Householder, Criss, Reynolds, and Rohrbach: Expiring funds from the WV Board of Examiners for Registered Professional Nurses and making a supplementary appropriation to the Department of Commerce, Development Office	614	1254		1512		614, 1254, 1389, 1486, 1512, 1513
*2797 -	By Delegates Householder, Boggs, Anderson, Barrett, Criss, Ellington, Espinosa, Gearheart, Pethel, Riley, and Rowan: Declaring certain claims to be moral obligations of the State (Chapter 56, Acts, Regular Session, 2021)	614	972	1638	1168, 1638	1638	614, 1079, 1123, 1168, 1170, 1639, 2358, 2757

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2798 -	By Delegates Boggs, (Mr., Hanshaw, Hornbuckle, Rohrbach, Rowan, Zukoff, Sypolt, Paynter, Walker, Kelly, J., and Haynes: Relating to requiring the Health Department to mandate mucopolysaccharidosis type 1 (MPS1) test for newborn babies, to be known as Embie’s Law	614	1011				614, 1011
2799 -	By Delegates Barrett, Maynard, Storch, Graves, and Jennings: Providing EMS workers a retirement benefits tax exemption	615					615
2800 -	By Delegates Dean, Paynter, Haynes, Maynard, Ferrell, Toney, Hornbuckle, Wamsley, and Rowan: To allow another round of “buy in” to the old public employees retirement plan for those that didn’t last time	615					615
2801 -	By Delegates Espinosa, Criss, Graves, Storch, Rowe, Rohrbach, Pethel, Clark, Howell, Barrett, and Householder: To change the due date of the Racetrack Table Game renewal license fee	615					615
*2802 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: 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 (Chapter 17, Acts, Regular Session, 2021)	615	916		1120	1550	616, 1007, 1078, 1119, 1120, 1767, 2586
*2803 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: 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 (Chapter 18, Acts, Regular Session, 2021)	616	917		1120	1551	616, 1007, 1078, 1120, 1121, 1768, 2586, 2933
2804 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021 (Chapter 19, Acts, Regular Session, 2021)	616	916		1118	1551	616, 1007, 1078, 1083, 1118, 1768, 2586

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2805 -	By Delegates Statler, Summers, Hamrick, Higginbotham, Pack, L., Howell, Capito, (Mr., Hanshaw, and Ellington: Making Pierpont Community and Technical College a division of Fairmont State University known as the Pierpont College of Community and Technical Education	616	1086				618, 1086
2806 -	By Delegates Dean, Paynter, Maynard, Booth, Ferrell, Toney, Brown, Hornbuckle, and Wamsley: To allow parents to retain their child without losing a year of sports eligibility	618	1397				618, 1397
2807 -	By Delegates Rohrbach, and Pack, J.: Relating to pharmaceutical rebates	618					618
2808 -	By Delegates Capito, Rowe, Pushkin, Pritt, Young, Pack, L., Barach, Barnhart, Graves, and Skaff: Remove salt from list and definition of "mineral" for severance tax purposes (Chapter 264, Acts, Regular Session, 2021)	618	1085, 1186		1468	2471	618, 1085, 1320, 1388, 1468, 1469, 4387
2809 -	By Delegate Anderson: Relating to admissibility of certain evidence in a civil action for damages	618					618
2810 -	By Delegates Anderson, and Evans: Relating to the removal of the severance tax on oil and gas produced from low producing oil and natural gas wells	619					619
2811 -	By Delegate Anderson: Relating to the manner in which actual investment of capital and costs and a natural gas utility's expedited cost recovery are calculated	619					
2812 -	By Delegate Anderson: Local Energy Efficiency Partnership Act	619					619
2813 -	By Delegate Barrett: Relating to employees of local boards of health	619					620
2814 -	By Delegates Doyle, Hansen, Fleischauer, Skaff, Thompson, Evans, Hornbuckle, Walker, Young, Griffith, and Bates: Election Security, Access, and Modernization Act of 2021	640					641
2815 -	By Delegates Maynard, and Evans: Requiring air conditioning on all school buses	641					641
2816 -	By Delegate Linville: Authorize restitution to the state for reimbursement of costs incurred for misuse of public funds	641					641

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2817 -	By Delegates Graves, and Pack, L.: Donated Drug Repository Program	641	1083		1315		641, 1175, 1250, 1315
2818 -	By Delegate Graves: Solemn Covenant of the States to Award Prizes for Curing Diseases	641					641
2819 -	By Delegate Cooper: Exempting from the sales tax all-terrain vehicles and utility terrain vehicles used as farm equipment	642					642
2820 -	By Delegate Mandt: Relating to oversight of syringe exchange programs by the Department of Health and Human Resources	642					642
2821 -	By Delegate Graves: Providing adequate opportunities for state employees to obtain continuing education credits for professional licenses and registrations	642					642
2822 -	By Delegate Graves: Requiring state purchases of certain items to be made from authorized dealers in this state	642					642
*2823 -	By Delegates Cooper, and Pinson: Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code (Chapter 8, Acts, Regular Session, 2021)	642	977, 1184		1469	2822	643, 978, 1320, 1388, 1469, 4375, 4387
2824 -	By Delegate Barrett: Relating to public school education assessment of students for dyslexia and dyscalculia	643					643
2825 -	By Delegates Barrett, Householder, Criss, Hardy, and Graves: Shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities	643					643
2826 -	By Delegate Barrett: Define hate crime and make a felony	643					643
2827 -	By Delegate Holstein: Create an Anti-Bestiality law	643					643
2828 -	By Delegates Hanna, Haynes, Holstein, Barnhart, Martin, Wamsley, Bruce, Pritt, Burkhammer, Bridges, and Phillips: Firearm Protection Act	644					644
2829 -	By Delegates Storch, Gearheart, Pethel, Evans, Anderson, and Pack, J.: Providing for the amortization of annual funding deficiencies for municipal police or firefighter pension and relief funds (Chapter 74, Acts, Regular Session, 2021)	644	1013, 1254		1513	2822	644, 1013, 1389, 1486, 1513, 1514, 4375, 4387

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2830 -	By Delegates Graves, Rowan, Jeffries, D., Riley, Smith, Clark, Steele, Bridges, Holstein, Sypolt, and (Mr., Hanshaw: Relating generally to sex trafficking (Chapter 55, Acts, Regular Session, 2021)	644	1143	3040-3046	1379, 3046	3040	644, 1250, 1318, 1379, 3046, 4375, 4387
2831 -	By Delegates Graves, Pack, J., Skaff, Ellington, Householder, Pack, L., Summers, Espinosa, Tully, Barrett, and Young: Nursing Program Expansion Pilot Program	644	1541				645, 1541
2832 -	By Delegate Holstein: Protecting political ideas and speech in the hiring process at schools and universities	645					645
2833 -	By Delegate Clark: Allow Class A resort licensees under WV ABC to sell wine as a retail server	645					645
*2834 -	By Delegates Espinosa, Howell, Barrett, Householder, and Higginbotham: Adding the Curator of the West Virginia Division of Arts, Culture and History as an ex officio voting member of the commission (Chapter 150, Acts, Regular Session, 2021)	645	970	1169	1169	2952	645, 1079, 1123, 1168, 4383, 4387
2835 -	By Delegates J. Kelly, Rohrbach, Anderson, Conley, Toney, Criss, Linville, Mandt, Paynter, and Mazzocchi: Requiring the construction, development, acquisition or other establishment of an alcohol or drug treatment facility and drug and alcohol treatment services to obtain a certificate of need	645					645
2836 -	By Delegates Evans, Toney, Bridges, Booth, Mazzocchi, Boggs, Dean, Paynter, Brown, Steele, and Maynard: Allow the establishment of a prescriptive public easement on private property for roads or paths traversed by the public in vehicles over a period of 20 or more years	645					646
2837 -	By Delegate Higginbotham: Eliminate the bond required to start an independent daycare business	646					646
2838 -	By Delegates Westfall, and Queen: Authorize the ordering of restitution to the state for reimbursement of costs incurred for misuse of public funds, and to create the State Auditor's Public Integrity and Fraud Fund for use of said funds	646	1090				646, 1090

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2839 -	By Delegates Thompson, Walker, Young, and Doyle: Establish Recovery Can't Wait Program	646					647
2840 -	By Delegates Thompson, Walker, Young, and Doyle: Increase state minimum wage	647					647
2841 -	By Delegates Thompson, Walker, and Young: Campaign Finance Reform	647					647
*2842 -	By Delegates Higginbotham, Anderson, Householder, Kelly, J., Wamsley, Kessinger, Statler, Ellington, Ward, G., Kimble, and Zatezalo: Preventing cities from banning utility companies in city limits (Chapter 75, Acts, Regular Session, 2021)	647	1329, 1546	3047	1703, 3047	3046	648, 1329, 1618, 1657, 1703, 3048, 4383, 4387
2843 -	By Delegates Keaton, Barnhart, Wamsley, Holstein, and Haynes: Require medical malpractice insurers to establish a separate insurance pool for doctors who conduct abortions	648					648
2844 -	By Delegates Keaton, Wamsley, and Haynes: Expanding the Manufacturing Investment Tax Credit	648					648
2845 -	By Delegate Keaton: Stop Social Media Censorship Act	648					648
2846 -	By Delegates Keaton, and Haynes: A bill dedicating 25% of insurance tax revenue to the PEIA Rainy Day Fund	649					649
2847 -	By Delegates Keaton, and Hamrick: Add hotel occupancy tax to taxes eligible for PILOT agreements under the Tax Increment Financing Act	649					649
2848 -	By Delegates Thompson, Walker, Young, Doyle, and Hornbuckle: Reinstate WV Prevailing Wage Law	649					649
2849 -	By Delegates Thompson, Walker, Young, Doyle, and Hornbuckle: Repeal Right-to-Work legislation	649					650
2850 -	By Delegates Thompson, Walker, Young, Doyle, and Hornbuckle: Establish a Corporate Crime division in the State Police	650					650
2851 -	By Delegates Foster, and Steele: Relating to sunset provisions of legislative rules	650					650
2852 -	By Delegates Ellington, Toney, Conley, Kelly, J., Kimes, Thompson, Griffith, and Evans: Relating to distribution of the allowance for increased enrollment (Chapter 102, Acts, Regular Session, 2021)	650	850	1068, 2471, 2472	1068, 2472	2471	650, 850, 851, 965, 1006, 1068, 2472, 2933, 4387

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2853 -	By Delegates Steele, Westfall, Pack, J., Higginbotham, Foster, Graves, Kelly, J., Maynard, and Keaton: Provide for the unitization of interests in drilling units in connection with shallow horizontal oil or gas wells	651					651
2854 -	By Delegates Storch, Gearheart, Pethtel, Evans, Anderson, Graves, Pack, J., and Riley: Relating to the West Virginia Municipal Police Officers and Firefighters Retirement System (Chapter 76, Acts, Regular Session, 2021)	651	756, 1156		1380	1639	651, 756, 1250, 1318, 1379, 1380, 2358, 2657, 4387
*2855 -	By Delegates Storch, Gearheart, Pethtel, Evans, Anderson, Graves, and Pack, J.: Relating to the Natural Resources Police Officers Retirement System (Chapter 211, Acts, Regular Session, 2021)	651	756, 1145		1380	1639	652, 756, 150, 1318, 1380, 2358, 2657
2856 -	By Delegates Statler, Nestor, Horst, Kimes, Paynter, Jeffries, J., Toney, Hanna, Williams, and Barnhart: Relating to performance metrics for the West Virginia Division of Highways	652					652
2857 -	By Delegates Statler, Longanacre, Horst, Kimes, and Paynter: Prohibiting the placement of the name or likeness of public officials on state road signs	652					652
2858 -	By Delegates Statler, Horst, Kimes, Nestor, Longanacre, Jeffries, J., Toney, Hanna, Williams, Barnhart, and Hansen: Requiring the Commissioner of Highways to develop a formula for allocating road funds among districts	652					653
2859 -	By Delegates Mazzocchi, Tully, Fast, Paynter, Bridges, Jeffries, J., and Jeffries, D.: Relating to reasonable force in defense of self, real and personal property	653					653
2860 -	By Delegates Statler, Barnhart, Holstein, Longanacre, Bridges, Toney, and Hanna: Requiring that open hunting season for big game begin on a Saturday	653					653
2861 -	By Delegate Bates: Relating to medical evaluation reports for workers compensation	653	1085				653, 1085
2862 -	By Delegates Storch, Gearheart, Pethtel, Evans, Anderson, Graves, and Pack, J.: Relating to the Deputy Sheriff Retirement System Act	653	755				654, 755

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2863 -	By Delegate Holstein: Relating to the regulation of livestock branding	721					722
2864 -	By Delegate Young: Remove felonies from reason to disqualify from voting	722					722
2865 -	By Delegates Mallow, Longanacre, and Forsht: Create a Police Officer's Bill of Rights	722					722
2866 -	By Delegates Foster, Steele, Kimes, Gearheart, Paynter, and Toney: Establishing the Municipal Home Rule Program	722					722
2867 -	By Delegates Martin, Summers, Criss, Burkhammer, and Queen: To establish Natural Resources Commission appointment criteria and allow for reimbursement of expenses related to discharge of official duties	722					723
2868 -	By Delegates Storch, Gearheart, Pethtel, Evans, Anderson, and Pack, J.: To provide a mechanism to allow for the contributions paid by a member into a retirement plan to be returned to the member's heirs	723					723
2869 -	By Delegates J. Jeffries, Longanacre, Kimes, Graves, Jennings, Burkhammer, McGeehan, Horst, Martin, Pack, J., and Householder: To remove any mandatory mask mandate in West Virginia	723					723, 1693
2870 -	By Delegates J. Pack, Steele, and Graves: Requiring county boards of education to make vocational classes available to private school students of the appropriate grades as space is available.	723					723
2871 -	By Delegate Steele: Providing for the compensation of the Cannabis Commissioner	723					723
2872 -	By Delegate Young: Relating to statute of limitations for discrimination	723					724
2873 -	By Delegates Young, Graves, Zukoff, Summers, Fleischauer, Walker, and Brown: Allowing waiver of repayment of overpaid unemployment insurance	724					724
2874 -	By Delegates Young, Wamsley, Cooper, Doyle, Longanacre, Steele, Kelly, J., McGeehan, Worrell, Kimble, and Zukoff: Extend the current veteran's business fee waivers to active duty military members and spouses (Chapter 120, Acts, Regular Session, 2021)	724	1014, 1334	1595, 1613	1613	2952	724, 1014, 1487, 1536, 1566, 1595, 1613, 4384, 4388

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2875 -	By Delegate Bates: Relating to changes to provider contracts related to health benefit plans and Medicaid managed care plans	724					724
*2876 -	By Delegates Westfall, Summers, and Bates: Modify the five-year waiting period and 100-person minimum for an association health plan, and to allow new flexibility granted under federal rules	725	1741	2381	2381		725, 1888, 2350, 2380, 2381
*2877 -	By Delegates Westfall, Summers, Jennings, Tully, Bates, and Pack, L.: Expand direct health care agreements beyond primary care to include more medical care services (Chapter 204, Acts, Regular Session, 2021)	725	977		1169	2651	725, 1080, 1123, 1169, 1170, 4375, 4387
2878 -	By Delegates Young, and Walker: Establishing a task force to study and develop reparation proposals for African-Americans	725					725
2879 -	By Delegate Young: Relating to anti-discrimination protections for independent contractors	725					725
2880 -	By Delegates Young, and Pack, J.: Modifying the definition of telemedicine and telehealth by individuals with a disability and individuals with a sensory impairment	725					725
2881 -	By Delegates Steele, and Sypolt: Removing Hepatitis B from the list of required vaccinations	726					726
2882 -	By Delegates Steele, Foster, and Young: Relating to repealing a ban on construction of nuclear power plants	726					726
2883 -	By Delegate Foster: To ensure that the WV Judiciary remains neutral and detached in matters related to allocation of custodial responsibility and decision-making responsibility of children	726					726
*2884 -	By Delegates Conley, Kelly, J., Mallow, Miller, and Barnhart: To make changes to the FOIA law to protect public utility customer databases from disclosure, with exceptions (Chapter 121, Acts, Regular Session, 2021)	727	1681		2381	4369	727, 1888, 2350, 2381, 2382, 4384, 4392
2885 -	By Delegate Higginbotham: Requiring DHHR, in the absence of extenuating circumstances, to notify the parents upon the death of a child in foster care	727					727

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2886 -	By Delegate Higginbotham: Replacing minimum minutes of instructional time required per day with a flexible requirement based upon the completion of classroom or other equivalent work	727					727
2887 -	By Delegate Higginbotham: COVID liability protections for schools	727					728
2888 -	By Delegate Higginbotham: Relating to when contentions can be revived based on forensic scientific evidence that was not available at time of conviction (Chapter 89, Acts, Regular Session, 2021)	728	1010		1249	2594	728, 1140, 1184, 1249, 4375, 4387
2889 -	By Delegate Steele: Relating to West Virginia Employment Law Worker Classification Act	728					729
*2890 -	By Delegates Steele, Foster, and Pack, J.: To clarify the regulatory authority of the Public Service Commission of West Virginia over luxury limousine services (Chapter 188, Acts, Regular Session, 2021)	729	1327, 1579	2952	1789, 2953	2952	729, 1327, 1659, 1733, 1788, 1789, 2953, 4384, 4387
*2891 -	By Delegates D. Kelly, Ward, B., Hott, Capito, Steele, Pinson, Queen, Westfall, Young, and Pack, L.: Creating minimum statutory standards for law-enforcement officers (Chapter 205, Acts, Regular Session, 2021)	729	918	1123, 4320-4326	1170, 4326	4320	729, 1007, 1078, 1123, 110, 1171, 4327, 4384, 4388
2892 -	By Delegate Howell: Relating to the West Virginia State Guard and the organization thereof	729					730
2893 -	By Delegate Riley: Relating to Economic Opportunity Tax Credit limits	730					730
2894 -	By Delegate Statler: Relating to the criminal offense of desecration of graves and vandalizing cemeteries	730					730
2895 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Supplementing and amending the appropriations of public moneys to the Department of Veterans' Assistance (Chapter 20, Acts, Regular Session, 2021)	730	2525		2789	3951	730, 2576, 2638, 2789, 2790, 4375, 4387
*2896 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services (Chapter 21, Acts, Regular Session, 2021)	730	1145		1380	1738	731, 1145, 1251, 1318, 1380, 1381, 2518, 2980

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2897 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Expiring funds to the balance of the Department of Commerce (Chapter 22, Acts, Regular Session, 2021)	731	1254		1514	1900	731, 1389, 1486, 1514, 2519, 2980
2898 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Making a supplementary appropriation to WorkForce West Virginia – Workforce Investment Act (Chapter 23, Acts, Regular Session, 2021)	731	1146	2473	1381, 2473	2473	731, 1251, 1318, 1381, 1382, 2474, 2933, 4387
2899 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Making a supplementary appropriation to the Department of Commerce (Chapter 24, Acts, Regular Session, 2021)	731	1254		1515	1900	732, 1389, 1486, 1514, 1515, 2519, 2933
2900 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Expiring funds to the balance of the Department of Education – State Board of Education – School Building Authority – School Construction Fund (Chapter 25, Acts, Regular Session, 2021)	732	2525		2790	3951	732, 2577, 2638, 2790, 2791, 4375, 4387
2901 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services (Chapter 26, Acts, Regular Session, 2021)	732	1146		1382	1738	732, 1251, 1318, 1382, 1383, 2519, 2933
2902 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Making a supplementary appropriation to the Public Service Commission	732					732
2903 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Making a supplementary appropriation to the Department of Homeland Security, West Virginia State Police (Chapter 27, Acts, Regular Session, 2021)	732	1146		1383	1739	733, 1251, 1318, 1383, 2519, 2980
2904 -	By Delegates Hansen, Fleischauer, Walker, Williams, Doyle, and Statler: Relating to unlawfully using electronic communication devices while driving	733					733

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2905 -	By Delegates Rohrbach, Pack, L., Barnhart, and Forsht: Relating to repealing the prohibition against the use of certain words (Chapter 57, Acts, Regular Session, 2021)	701	701	1639	911, 1639	1639	808, 846, 911, 1640, 2358, 2657
2906 -	By Delegates Higginbotham, and Griffith: Relating to the School Building Authority's allocation of money (Chapter 103, Acts, Regular Session, 2021)	754	754	2759	957, 2759	2759	846, 912, 957, 958, 2760, 4375, 4387
2907 -	By Delegates Foster, Steele, Kimes, Kimble, Haynes, Wamsley, and Pack, J.: Prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements	763					764
2908 -	By Delegate Foster: Relating to disclosure of information by online marketplaces to inform consumers	764	1329, 1771		2382		765, 1329, 1888, 2350, 2382
2909 -	By Delegates Foster, Steele, Kimble, Haynes, Wamsley, Kessinger, Espinosa, Kimes, and Pack, J.: Updating the criteria used when assessing an application for a new license or other government regulation relating to occupational and professional regulation	765					766
2910 -	By Delegates Foster, Kimble, Haynes, Wamsley, Kessinger, Espinosa, Kimes, Pack, J., and Hardy: To modify the allowable number of magistrate judges per county	766					766
2911 -	By Delegates Foster, Kimble, Wamsley, Haynes, Storch, Kelly, D., Kimes, Pack, J., and Smith: Relating to eligibility verification for applicants for public assistance	766					766
2912 -	By Delegates Steele, and Smith: Relating to cannabis and cannabis product sales, growth, and consumption in this state	766					769
2913 -	By Delegates Ferrell, Linville, Foster, Hamrick, Burkhammer, Queen, Summers, Mandt, Keaton, Reynolds, and Wamsley: Social Media Integrity and Anti-Corruption in Elections Act	769					770
2914 -	By Delegates Rowan, Rowe, Steele, Foster, Espinosa, Linville, Hardy, Skaff, Hornbuckle, and Fluharty: To remove certain ex officio, voting members from the Archives and History Commission and update formatting (Chapter 151, Acts, Regular Session, 2021)	770	1184		1469	2953	770, 1321, 1389, 1469, 1470, 4384, 4387

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2915 -	By Delegates Rowan, Rowe, Steele, Burkhammer, Linville, Hardy, Skaff, Hornbuckle, and Fluharty: Relating to public records management and preservation (Chapter 237, Acts, Regular Session, 2021)	770	1665	1919	1919	4370	770, 1737, 1882, 1919, 1920, 4384, 4387
*2916 -	By Delegates Rowan, Rowe, Steele, Foster, Burkhammer, Espinosa, Linville, Hardy, Young, Skaff, and Hornbuckle: Creating the Semiquincentennial Commission for the celebration of the 250th anniversary of the founding of the United States of America (Chapter 152, Acts, Regular Session, 2021)	770	921	2760-2767	1121, 2768	2760	770, 1007, 1079, 1121, 1122, 2768, 4384, 4387
2917 -	By Delegates Burkhammer, Jeffries, J., Worrell, Pinson, Hanna, and Clark: Require anyone participating in high school or middle school sports to play per their biological birth gender	770					771
2918 -	By Delegates D. Kelly, Hanna, Walker, Pushkin, Ellington, Holstein, Kessinger, Mandt, Reed, Rohrbach, and Pack, L.: Relating to Family Drug Treatment Court (Chapter 82, Acts, Regular Session, 2021)	753	753, 1682		2382	3048	754, 1888, 2350, 2382, 2383, 4375, 4387
2919 -	By Delegates Howell, Paynter, Hamrick, and Linville: Protect privacy of those who store firearms in WV	830					831
2920 -	By Delegate Hanshaw (Mr. Speate), and Delegate Skaff [By Request of the Executive]: Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund (Chapter 28, Acts, Regular Session, 2021)	831	1255		1515	1900	831, 1390, 1486, 1515, 1516, 2519, 2930
2921 -	By Delegates Young, Lovejoy, Fluharty, Pushkin, Zukoff, Rowe, and Barach: Permitting anyone over 65 to vote absentee	831					831
2922 -	By Delegates Young, Zukoff, Lovejoy, Fluharty, Pushkin, and Rowe: Adding Security expenses to campaign finance expense	831					831
2923 -	By Delegates Young, Linville, Dean, Thompson, and Garcia: Relating to Social Media privacy and educational institutions	831	1325				832, 1325
2924 -	By Delegates Young, Walker, Zukoff, Thompson, Summers, and Zatezalo: Relating to unemployment compensation	832					832

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2925 -	By Delegates Young, Linville, Paynter, Dean, Thompson, and Garcia: Relating to data disposal protection	832					832
2926 -	By Delegates Young, Walker, Paynter, Garcia, and Thompson: Relating to the Disconnection of Residential Utility during a State of Emergency	832					833
*2927 -	By Delegates Young, Walker, Statler, Worrell, Skaff, Lovejoy, Barach, Fleischauer, and Pack, L.: Adding Caregiving expenses to campaign finance expense (Chapter 108, Acts, Regular Session, 2021)	833	1623	3718-3731	2383, 3731	3717	833, 1737, 1882, 2350, 2383, 3731, 4384, 4388
2928 -	By Delegates Young, Thompson, Zukoff, and Rowe: The purpose of this bill is to permit registered voters to vote an absentee ballot by mail in all circumstances	833					833
2929 -	By Delegates Young, Lovejoy, Fluharty, Pushkin, and Zukoff: Allowing the Secretary of State's office to transmit electronically the total ballots cast, counted, and rejected	833					833
2930 -	By Delegate McGeehan: Require the School Improvement Council appoint two members to a Selection Committee	833					833
2931 -	By Delegates Foster, Kimes, Steele, and Barrett: Relating to standardizing the criteria for awarding spousal support	834					834
2932 -	By Delegates Kessinger, Graves, and Mazzocchi: Protections for Charitable Organizations	834	922		1122		834, 1007, 1079, 1122
*2933 -	By Delegates Kessinger, Hardy, Jeffries, D., Pinson, Pack, J., Summers, Pack, L., Haynes, Brown, (Mr., Hanshaw, and Mazzocchi: Anti-Discrimination Against Israel Act (Chapter 153, Acts, Regular Session, 2021)	834	1324	4354-4356	1703, 4357	4354	834, 1487, 1536, 1539, 1679, 1703, 1704, 4356, 4357, 4384, 4387
2934 -	By Delegates Mallow, Forsht, Conley, and Miller: Allow local governments to hold property owners more accountable for upkeep of buildings	834					834
2935 -	By Delegates Mallow, Forsht, Conley, Miller, Longanacre, and Hanna: Limit amount a county tax assessor can increase assessed value of antique or classic cars	835					835

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2936 -	By Delegate Criss: To permit the Board of Treasury Investments to compensate appointed members for each meeting attended and to eliminate certain outdated and contradictory investment restrictions.	835					835
2937 -	By Delegate Hanna: Requiring a vote on school closure or consolidation in certain circumstances	835					835
2938 -	By Delegates Espinosa, Barrett, Hardy, Clark, Householder, and Summers: Reallocate a certain amount of net terminal income from racetrack video lottery distributed to the thoroughbred and greyhound development funds at the licensed racetracks of origin.	835					835
2939 -	By Delegates Espinosa, Barrett, Hardy, Horst, Reed, Miller, Clark, Forsht, and Householder: Clarify "out-of-school" time programs.	836					836
2940 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Making a supplementary appropriation to the Department of Education, State Board of Education – State Department of Education (Chapter 29, Acts, Regular Session, 2021)	836	1146		1384	1739	836, 1251, 1319, 1383, 1384, 2519, 2930
2941 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Supplementary appropriation decreasing an existing item and adding a new item of appropriation to the Department of Revenue, Insurance Commissioner (Chapter 30, Acts, Regular Session, 2021)	836	1146	2474	1384, 2476	2474	836, 1251, 1319, 1384, 1385, 2476, 2933, 4387
2942 -	By Delegate Holstein: Providing tax credits for hiring those in recovery for substance abuse	836					836
2943 -	By Delegate Holstein: To unseal adoption records after 21 years of age for adoptees for a one time fee of \$30 and issuance of an original birth certificate for the common birth certificate fee.	837					837
2944 -	By Delegate Higginbotham: Providing for the registration of lobbyist interns	837					837
2945 -	By Delegate Higginbotham: To move back the deadline for a candidate to make a party switch to run in the GOP primary to 6 months before the filing date	837					837

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2946 -	By Delegate Howell: Second Amendment Sanctuary Act	837					837
2947 -	By Delegates Higginbotham, and Steele: Regarding recording of police interrogations	837					838
2948 -	By Delegates Lovejoy, Brown, Williams, Worrell, and Hornbuckle: Mandating coverage for medical care of State Police officers injured in the line of duty	838					838
2949 -	By Delegates Higginbotham, and Ellington: Providing supplemental education through learning pods	838					838
2950 -	By Delegates Howell, Martin, Paynter, Hamrick, Pack, J., Linville, and Maynard: Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate	838	1328				838, 1328
2951 -	By Delegates Foster, Hamrick, Clark, Mazzocchi, Steele, Kessinger, Pack, J., Howell, Householder, Linville, and Hardy: Repeal of authority granted to municipalities to levy business and occupation or privilege tax	838					838
2952 -	By Delegate Foster: Ensure that persons appointed as guardians ad litem in divorce and child custody and parenting cases are properly trained in certified courses of instruction with curricula grounded in the social science bases for determining the best interests of the child	839					839
*2953 -	By Delegates Hardy, Westfall, Jennings, Clark, Linville, Hott, Jeffries, D., Graves, Tully, Storch, and Forsht: 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 (Chapter 77, Acts, Regular Session, 2021)	839	1012, 1493	1650, 3732	1650, 3732	3731	839, 1012, 1571, 1616, 1650, 3733, 4384, 4387
2954 -	By Delegates Burkhammer, Jeffries, J., Mandt, Paynter, Martin, Hanna, Worrell, Graves, Pinson, Wamsley, and Pack, J.: Abortion permitted only in certain instances	839					839
2955 -	By Delegate Linville: Removing the residency requirement for the Commissioner of the Division of Highways	840	1327				840, 1327

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2956 -	By Delegates Bates, Young, and Graves: Permit licensed food trucks to operate on the State Capitol Complex during periods in which the Capitol Complex Cafeteria is not operational	840					840
2957 -	By Delegates Steele, and Foster: Relating to the repeal of outdated code sections (Chapter 58, Acts, Regular Session, 2021)	813	813		1005	2651	912, 964, 1005, 4357, 4387
2958 -	By Delegates Steele, and Foster: Relating to repealing outdated sections of state code (Chapter 59, Acts, Regular Session, 2021)	814	814		1005	2651	912, 965, 1005, 4372, 4387
*2959 -	By Delegates Anderson, Kelly, J., Ward, G., Zatezalo, Hott, Statler, Pethel, and Boggs: Relating to the financing of environmental pollution control equipment for coal-fired power plants	856	1253				856, 1390, 1393
2960 -	By Delegates Foster, Gearheart, Jeffries, D., Pritt, and McGeehan: Eliminating the requirement that the Treasurer publish a full list of unclaimed property in newspapers, and instead require online database	856					856
2961 -	By Delegates Barach, Lovejoy, Brown, Rowe, Dean, Griffith, Garcia, Young, Pushkin, Paynter, and Fleischauer: Provide protections for employees in legal employment disputes by providing that no employee can be required as a condition of employment to agree to mandatory arbitration	856					857
*2962 -	By Delegates Steele, and Pack, J.: Relating generally to dental practice (Chapter 206, Acts, Regular Session, 2021)	857	1257, 1580	1733, 1789	1789	3733, 4371	857, 1257, 1659, 1733, 1789, 1790, 3733, 4384, 4388
2963 -	By Delegates Rowe, Linville, and Boggs: Establish a website for publicly-available archive of all bridge and road naming resolutions	857					857
2964 -	By Delegate Gearheart: Prohibit road signs that include public official's name and likeness	857					858
2965 -	By Delegates Graves, and Pack, J.: Requiring PEIA, Medicaid and other health insurance providers to cover treatment of pediatric autoimmune neuropsychiatric disorders	858	976				858, 976
2966 -	By Delegates Hamrick, and Dean: Make it unlawful for a political subdivision or municipality to pass or enforce an ordinance that would allow feral cats to be trapped and killed	858					858

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2967 -	By Delegates Pushkin, and Walker: Permitting certain felons to work in licensed behavioral health facilities	858	1333				858, 1333
2968 -	By Delegates Hamrick, Howell, Hansen, Williams, Griffith, Storch, Phillips, Ward, B., Barrett, Reed, and Martin: To allow Veterinarian Tele-Health in West Virginia	859		1124			859, 1124
2969 -	By Delegates Conley, Barnhart, Holstein, and Steele: To clarify the procedures for the sale and operation of a municipally owned toll bridge by a private toll transportation facility (Chapter 238, Acts, Regular Session, 2021)	859	969	1171, 2954-2971	1171, 2971	2954	859, 1080, 1171, 1172, 2972, 4376, 4388
2970 -	By Delegates Brown, Bridges, Dean, and Lovejoy: Raising retirement rate for Deputy Sheriff's Retirement System	859					859
2971 -	By Delegate Higginbotham: Requiring the Department of Commerce to conduct a feasibility study for potential lakes to be built in West Virginia	860					860
*2972 -	By Delegates Smith, Westfall, Steele, Zatezalo, Martin, Cooper, Householder, Ellington, Espinosa, Howell, and Pushkin: Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption	860	969		1172		860, 1080, 1140, 1172, 1173
2973 -	By Delegates Toney, Paynter, Cooper, Dean, Higginbotham, Ellington, Ferrell, Reynolds, Kelly, J., (Mr., Hanshaw, and Rowan: To modify the teacher retirement system so that Tier 2 teachers may use annual/sick leave towards retirement	860					860
2974 -	By Delegates Smith, Bruce, Mallow, Conley, Jeffries, J., Hamrick, Longanacre, and Higginbotham: To implement a Property Tax Poverty Exemption - School Excess Levy	860					860
2975 -	By Delegates Hansen, and Young: Relating to Well Location Restrictions	860					861
2976 -	By Delegates Martin, Howell, Miller, Doyle, Fleischauer, Ellington, Capito, Graves, Kessinger, Steele, and Hanna: Allow women to work on inmate road crews	861					861

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2977 -	By Delegates Martin, Howell, Paynter, Horst, Bridges, Jeffries, J., Sypolt, Pritt, Hott, Wamsley, and Mandt: Allow guns to be carried on capitol grounds	861					861
2978 -	By Delegates Martin, Horst, Holstein, Bridges, Jeffries, J., Sypolt, Paynter, Pritt, Hott, Wamsley, and Mandt: Gun carry allowed on college campuses	861					861
2979 -	By Delegates G. Ward, Haynes, Burkhammer, Paynter, Reynolds, Hardy, Horst, Kelly, J., Maynard, McGeehan, and Mandt: Creating a tax credit for a manufacturer or power generating facility in West Virginia that purchases and uses coal, oil or gas	861					862
2980 -	By Delegates Doyle, Hansen, Thompson, Fleischauer, and Walker: Amend Groundwater Protection Act to cover Karst Terrain	862					862
*2981 -	By Delegates Reynolds, Steele, Cooper, Rohrbach, Jeffries, J., Ferrell, Storch, Conley, Zatezalo, Kelly, D., and Barnhart: Providing veterans with suicide prevention assistance	862	1331, 1540		1704		862, 1332, 1618, 1657, 1704
*2982 -	By Delegates Kessinger, Sypolt, Holstein, Bridges, Barnhart, Longanacre, Pack, J., Kimble, Burkhammer, Mazzocchi, and Pinson: Relating to the Second Chances at Life Act of 2021 (Chapter 222, Acts, Regular Session, 2021)	862	1189, 1399, 1570	4327-4334	1613, 4335	4327	862, 1189, 1537, 1569, 1613, 1614, 4335, 4384, 4388
2983 -	By Delegates Kessinger, Haynes, and Fast: Permit licensed occupational therapy assistants to work as IDDW agency staff when working under the supervision of licensed occupational therapist.	862					863
2984 -	By Delegates Statler, Hansen, Phillips, Rohrbach, Riley, Westfall, Williams, Lovejoy, Pack, J., Hamrick, and Zatezalo: To revise the West Virginia Tax Increment Financing Act to authorize a county commission or municipal levying body to modify the termination times of certain districts	863					863
2985 -	By Delegate Skaff: Relating to instituting suit to set aside a sheriff sale deed to tender to the circuit clerk of the court funds for redemption	864					864

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2986 -	By Delegate Skaff: Establishing an alternative method for qualified persons to properties sold by tax sales	864					864
2987 -	By Delegate Skaff: Allowing the purchaser to perform service on one or more persons entitled to notice of redemption from a sheriff sale	864					865
2988 -	By Delegates Householder, and Criss: Establishing causes for revocation, cancellation, or suspension of a business registration certificate	944					944
2989 -	By Delegates Martin, Pack, J., Higginbotham, Foster, Fast, Jeffries, D., Holstein, Mazzocchi, Jeffries, J., Barnhart, and Phillips: Requiring local entities to enforce immigration laws	944					945
2990 -	By Delegates Anderson, Kelly, J., Conley, Criss, Barnhart, and Fast: Requiring that any municipality or county commission intending to approve a location for a video lottery retailer must first announce their intention to do so and hold a public hearing	945					945
2991 -	By Delegates Brown, Lovejoy, Dean, Paynter, Zukoff, and Boggs: Relating to sheriff's commission for collection of taxes	945					945
2992 -	By Delegate Bates: To create the "Tobacco Cessation Initiative Program Special Revenue Account"	945					945
2993 -	By Delegates Howell, Storch, Hamrick, Steele, Foster, and Hardy: Allow State Treasurer to charge a monthly penalty to certain spending units	946					946
2994 -	By Delegates Pushkin, Young, Walker, Dean, Rowe, Hornbuckle, and Skaff: Relating to the special community development school pilot program	946					946
2995 -	By Delegates Longanacre, Worrell, Barnhart, Mallow, Mandt, Wamsley, Bruce, and Burkhammer: Create two readily identifiable pathways to better prepare high school students for their chosen career path	946					946
2996 -	By Delegates Doyle, Fleischauer, Young, Hornbuckle, Griffith, Thompson, Zukoff, Garcia, Williams, Evans, and Bates: Creating the Independent Redistricting Commission	946					947

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2997 -	By Delegates Haynes, Graves, Pack, J., Kessinger, Phillips, Steele, Bates, Hanna, Toney, and Ward, G.: Adding a defense to the civil penalty imposed for a result of delivery of fuel to a state other than the destination state printed on the shipping document for fuel (Chapter 272, Acts, Regular Session, 2021)	947	1682	4335-4339	2384, 4340	4335	948, 1888, 2350, 2384, 4340, 4385, 4388
2998 -	By Delegates Higginbotham, Skaff, Barrett, Rowe, Reed, and Garcia: Relating to unlawful discriminatory practices covered by Human Rights Act and Fair Housing Act	948					948
2999 -	By Delegates Fast, McGeehan, Kessinger, and Gearheart: Relating to property ownership by Farmland Protection Board	948					948
3000 -	By Delegate Holstein: To allow circuit court judges with at least six years of service to conceal carry if they so desire	948					948
3001 -	By Delegates Worrell, Dean, Young, Wamsley, Pushkin, Storch, Fleischauer, and Bates: Creating the Affordable Medicaid Buy-in Program	948					949
*3002 -	By Delegates Worrell, Dean, Paynter, Howell, Evans, Toney, Reed, Booth, Brown, Bridges, and Bates: Update road abandonment process (Chapter 239, Acts, Regular Session, 2021)	949	1327, 1578	3733-3739	1790, 3739	3733	949, 1327, 1659, 1735, 1790, 3739, 4385, 4388
3003 -	By Delegate Young: Relating to the definition of employer for sexual harassment purposes	949					949
3004 -	By Delegates Young, Thompson, Walker, and Bates: To create the "Fair Food Delivery Act"	949					950
3005 -	By Delegates Young, Thompson, Worrell, Paynter, and Dean: Relating to law enforcement warrant for third party information	950					950
3006 -	By Delegates Young, Hornbuckle, Pushkin, Thompson, Zukoff, Barach, Williams, Walker, Diserio, and Garcia: Creating a homeless education coordinator for county schools	950					950
3007 -	By Delegates Young, Thompson, Hornbuckle, Williams, and Bates: Create Pilot Program for Remote Workers	950					950

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3008 -	By Delegate Rowan: Prohibit the removal of a state government facility in a small community without an impact study	951					951
*3009 -	By Delegates Ellington, Higginbotham, Toney, Kelly, J., Conley, Kimes, and Smith: Relating to the publication of county board financial statements	951	1396				951, 1537, 1539
3010 -	By Delegates Householder, Criss, and Maynard: To extend the special valuation method for cellular towers to towers owned by persons not subject to regulation by the Board of Public Works (Chapter 265, Acts, Regular Session, 2021)	951	1334	1536, 1567	1566	2476	951, 1487, 1536, 1566, 1567, 2933, 4387
3011 -	By Delegates Storch, and Howell: Revised Uniform Fiduciary Access to Digital Assets Act	951					952
3012 -	By Delegates Storch, Barnhart, Martin, Hamrick, Howell, Queen, Criss, Capito, Pack, L., Rohrbach, and Householder: Creating a 529 type tax-deferred savings account for first time homebuyers	952					952
3013 -	By Delegates Skaff, Zukoff, Boggs, Pack, L., Graves, Tully, Lovejoy, Fluharty, and Garcia: Provide a state income tax credit for nurses to encourage recruitment and commitment to the profession in this state	952	1741				952, 1741
3014 -	By Delegates Householder, and Criss: Relating to limitations on claiming state tax credits and rebates and providing rulemaking authority	953					953
3015 -	By Delegates Burkhammer, Pinson, Pack, L., Martin, Fast, Keaton, and Longanacre: Creating crime of "high in public"	953					953
3016 -	By Delegate Pritt: Require utility and cable companies that operate here to have call centers located in WV	953					953
3017 -	By Delegates Pritt, and Mandt: Remove homeschool testing and portfolio requirements	954					954
3018 -	By Delegate Pritt: Providing for expungement of domestic violence pretrial diversions	954					954
3019 -	By Delegate Pritt: Creating the Campus Free Expression Act	954					954
3020 -	By Delegates Pritt, and Mandt: Require photo identification on all EBT cards	954					954

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3021 -	By Delegates Householder, and Criss: To clarify that incomplete claims for refund are not filed and will not start interest accruing	954					955
3022 -	By Delegate Pritt: The Campus Self Defense Act	955					955
3023 -	By Delegate Pritt: Places of worship may not be shut down by state of emergency	955					955
3024 -	By Delegate Pritt: Prohibit abortions based on down syndrome	955					955
3025 -	By Delegate Pritt: An affirmative defense to violation of a parenting plan is a de facto parenting plan	955					955
3026 -	By Delegate Pritt: Prohibit businesses from having licenses revoked for not requiring masks	956					956
3027 -	By Delegate Pritt: End qualified immunity	956					956
3028 -	By Delegate Pritt: Right to travel bill	956					956
3029 -	By Delegates Westfall, and Queen: Relating to Seatbelt Admissibility	956					957
3030 -	By Delegates Linville, Maynard, Hardy, Rohrbach, Pritt, Keaton, Riley, Tully, Booth, Thompson, and Evans: Relating to gross weight limitations and road restrictions in Greenbrier and Pocahontas Counties	973	973, 1683		2384		973, 1888, 2350, 2384
3031 -	By Delegates Walker, Hansen, Thompson, Hornbuckle, Young, and Pushkin: Authorizing civil damages for any person who was subject to an intentionally false report made to law enforcement	984					984
3032 -	By Delegates Walker, Bates, Evans, Hansen, Barach, Zukoff, Fleischauer, Doyle, Hornbuckle, and Thompson: Prohibiting discrimination based on an individual's mental or physical disability in access to organ transplantation	985					985
3033 -	By Delegates Storch, Reed, Higginbotham, Graves, Hansen, Thompson, Doyle, Bates, and Young: Youth Mental Health Protection Act	985					985
3034 -	By Delegates Steele, and Foster: Sunsetting the Board of Medical Imaging and Radiation Therapy Technicians	985					985
3035 -	By Delegates Steele, and Foster: Sunsetting the Board of Licensed Dieticians	985					985
*3036 -	By Delegates Steele, and Foster: Sunsetting the Board of Sanitarians	986	1764		2385		986, 1888, 2351, 2384, 2385

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3037 -	By Delegates Young, Thompson, Evans, Zukoff, and Rowan: Hearing Enhancement Aid Reimbursement Act (HEAR)	986			2385		986, 2384, 2385
3038 -	By Delegates Young, Thompson, and Higginbotham: Set the age for consent of marriage at 18 years of age	986					986
3039 -	By Delegates Young, Graves, Zukoff, Walker, Thompson, and Fleischauer: Exempting certain hygiene products from sales tax	986					986
3040 -	By Delegates Nestor, Kelly, D., Keaton, Pritt, Pushkin, Zatezalo, Reynolds, Hott, Jennings, Storch, and Anderson: Ensure the health, safety, and welfare of homeless citizens of this state	986					986
3041 -	By Delegate Rowe: Relating to the minimum wage	987					987
3042 -	By Delegates Reed, Mallow, Worrell, Westfall, Longanacre, Riley, Rowan, Ward, B., Hardy, Clark, and Nestor: Reciprocity for inspection stickers on new cars purchased in neighboring states	987					987
3043 -	By Delegates Zukoff, Storch, Ward, B., Kelly, D., and Fluharty: Relating to transport of persons accused of being mentally ill to mental health relating hearings	987					987
3044 -	By Delegates Barrett, Storch, Pack, J., Hardy, and Bates: Expanding types of cancers as rebuttable presumption for injuries, diseases for professional firefighters	987					988
3045 -	By Delegates Statler, Jennings, Jeffries, J., Queen, Holstein, Storch, Westfall, Lovejoy, Maynard, Pethel, and Paynter: Relating to firefighter disability claims (Chapter 279, Acts, Regular Session, 2021)	988	1326, 1400		1614	2651	988, 1326, 1537, 1570, 1614, 4372, 4387
3046 -	By Delegate J. Pack: Reduce the number of board members of the Parkways Authority and to appoint board members who are from the counties that are contiguous to the Turnpike.	988					988
3047 -	By Delegates Mallow, Longanacre, Kimes, Barnhart, and Mandt: Make WV a Second Amendment Sanctuary State	988					988
3048 -	By Delegate Clark: Allow a school district to develop or adopt a program in which the subject of nutrition and exercise education is taught	988					989

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3049 -	By Delegates Rowe, and Bates: Increase nutrition rates for Senior services	989					989
3050 -	By Delegates Rowe, and Fleischauer: Relating to the intestate share of a decedent's surviving spouse	989					990
3051 -	By Delegates Mallow, Longanacre, Kimes, and Barnhart: Standardize gas and oil contracts	990					990
3052 -	By Delegate Foster: Creating the Interstate Mobility and Universal-Recognition Occupational Licensing Act (the Freedom to Travel Act)	990					990
3053 -	By Delegates Foster, Pack, J., and Steele: Relating to requirements for a registered veterinary nurse	991					991
3054 -	By Delegates Steele, Foster, and Mandt: Expanding definition of who may apply for grandparent visitation	991	1330				991, 1330
3055 -	By Delegates Barnhart, Holstein, Cooper, Anderson, Ferrell, Keaton, Westfall, and Zatezalo: To create the "Council on Efficient Government Act"	991					991
3056 -	By Delegate Rowe: Increasing the state minimum wage	991					991
3057 -	By Delegates Storch, Worrell, and Espinosa: Relating to municipal or county taxation of hotel rooms booked through a market facilitator	992					992
3058 -	By Delegates Foster, and Steele: Relating to the General Revenue Fund	970	970				971
3059 -	By Delegate Linville: Making contract consummation with state more efficient	1061	1578				1061, 1621
3060 -	By Delegates Griffith, Booth, Ward, B., and Rowan: Revise animal cruelty laws relating to chaining and tethering	1061					1061
3061 -	By Delegate Wamsley: Relating to fees for Veteran License Plates	1062					1062
3062 -	By Delegates Mallow, Forsht, Booth, Bridges, Holstein, Mazzocchi, and Kimble: Relating generally to coal fired energy plants and wind power	1062					1062
3063 -	By Delegates Mandt, Ferrell, Criss, Fast, Hanna, Pritt, McGeehan, Phillips, Worrell, and Hott: To provide a review and veto process of executive orders by the President.	1062					1062
3064 -	By Delegate Wamsley: Provide free hunting and fishing licenses for all disabled veterans	1062					1062

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3065 -	By Delegate Wamsley: Eliminate personal property taxes for certain veterans	1063					1063
3066 -	By Delegate Wamsley: Expand military retirement pay state income tax exemption	1063					1063
3067 -	By Delegates Cooper, Dean, Haynes, Zatezalo, and Barnhart: Raise the homestead exemption to 30,000	1063					1063
3068 -	By Delegates Cooper, Haynes, Toney, Reynolds, Ward, B., and Anderson: Exempt 100% disabled combat vets from property tax on primary residence	1063					1063
3069 -	By Delegates Hanshaw (Mr. Speaker), and Jennings: Enhance cooperation between civilian law enforcement and military authorities.	1063	1335				1063, 1335
3070 -	By Delegate Higginbotham: Reducing federal taxable income subject to the corporate net income tax for businesses relocating from China to West Virginia	1064					1064
3071 -	By Delegate Higginbotham: Add one additional Magistrate for Putnam County	1064					1064
*3072 -	By Delegates Steele, and Foster: Sunset the Board of Forestry	1064	1764	2351	2385		1065, 1884, 2351, 2385
3073 -	By Delegates Worrell, Lovejoy, Rowan, Rohrbach, Rowe, Hansen, Brown, Young, Wamsley, Hanna, and Kessinger: Relating to West Virginia Emergency School Food Act	1064					1064
*3074 -	By Delegates Higginbotham, Ellington, Rohrbach, and Hornbuckle: Relating to information on organ and tissue donations	1065	1681		2386		1065, 1884, 2351, 2386
3075 -	By Delegates Gearheart, Smith, Ellington, Fast, Rowan, Longanacre, Paynter, Jennings, Burkhammer, and Mazzocchi: Transferring funds remaining in the Racetrack Modernization Fund to the State Road Fund and closing the Racetrack Modernization Fund	1065					1065
3076 -	By Delegates Gearheart, Smith, Ellington, Longanacre, Riley, and Paynter: Eliminating courtesy patrol programs	1065					1065
3077 -	By Delegates Hanshaw (Mr. Speaker), and Jennings: Permit the use of establish federal marketplace programs for the purchases of supplies	1065	1332				1065, 1332

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3078 -	By Delegates Capito, Lovejoy, Fast, Pushkin, Brown, Fluharty, Queen, Pinson, Pack, L., Bruce, and Zukoff: Relating to powers and duties of the parole board (Chapter 90, Acts, Regular Session, 2021)	1088	1088	3740-3749	1315, 3749	3749	1175, 1250, 1315, 1316, 3750, 4385, 4388
3079 -	By Delegates D. Kelly, Ellington, Hanna, Holstein, Kessinger, Mandt, Pushkin, Reed, Rohrbach, and Walker: Relating to exempting recovery residences from certain standards	1009	1009, 1399				1009, 1537, 1539
3080 -	By Delegates D. Kelly, Ellington, Hanna, Holstein, Kessinger, Mandt, Reed, and Rohrbach: Relating to making the Bureau of Behavioral Health the certifying agency for recovery residences	1009	1009				1010
3081 -	By Delegates Westfall, Hott, Barnhart, Bates, Criss, Espinosa, Garcia, Lovejoy, Reed, Rowe, and Williams: Updating the West Virginia Business Corporations Act (Chapter 65, Acts, Regular Session, 2021)	1090	1090		1316	2594	1175, 1250, 1316, 4372, 4387
3082 -	By Delegates Anderson, Kelly, J., and Espinosa: Stabilizing funding sources for the DEP Division of Air Quality	1098	1637	1920	1920		1098, 1737, 1882, 1920, 1921
3083 -	By Delegates Forsht, Hardy, and Mallow: To require a run-off election in certain circumstances	1098					1098
3084 -	By Delegates Maynard, Steele, Pack, J., Anderson, Bridges, Jeffries, J., Dean, Paynter, Kelly, J., Zatezalo, and Clark: Providing commercial discrimination of producers of coal, gas, oil, carbon-based energy, and other products in the State of West Virginia	1099					1099
3085 -	By Delegates Westfall, and Hott: Consolidating positions of Inspector General of Workers' Compensation Commission's Fraud and Abuse Unit and the position of Director of the Insurance Fraud Unit	1099					1099
3086 -	By Delegate McGeehan: Exempting motor vehicles from personal property tax	1099					1099
3087 -	By Delegates G. Ward, and Higginbotham: Allow teachers to retire earlier from public school system to teach in a public charter school	1099					1099
3088 -	By Delegates G. Ward, Haynes, and Jennings: Relating to assessment value of wind turbines	1100					1100

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3089 -	By Delegates G. Ward, Anderson, Riley, Kelly, J., Paynter, Queen, Pack, L., Haynes, Kimble, Ferrell, and Holstein: Make utility workers essential employees during a state of emergency (Chapter 233, Acts, Regular Session, 2021)	1100	1397, 1682	4362-4366	2386-4367	4362	1100, 1397, 1884, 2351, 2386, 4367, 4385, 4387
3090 -	By Delegates Fleischauer, Pushkin, Young, Kessinger, Bates, Hansen, Doyle, Zukoff, Griffith, Lovejoy, and Garcia: Ban-the-Box Act	1100					1100
3091 -	By Delegates Fleischauer, Rowe, Hansen, Young, Doyle, Griffith, Lovejoy, Garcia, Skaff, Miller, and Bates: Requiring Compliance with Generally Accepted Standards of Care	1100					1101
3092 -	By Delegates Fleischauer, Pinson, Thompson, Young, Doyle, Zukoff, Griffith, Lovejoy, Garcia, Skaff, and Miller: Creating Emergency Healthy Families and Workplaces Act	1101					1101
3093 -	By Delegates Graves, Pack, J., Foster, Keaton, Rohrbach, Kessinger, and Pritt: Decoupling active dog racing licenses from racetrack casinos	1102					1102
3094 -	By Delegates L. Pack, Keaton, Ward, B., Pritt, Kimble, Mallow, Burkhammer, Martin, and Horst: Prohibiting municipalities, counties, or other government entities from using tax payer funds to lobby for their interests	1102					1102
3095 -	By Delegates Horst, Dean, Jeffries, J., Mandt, Bridges, Pritt, Kimble, and Holstein: To create the "Protection of Property from Warrantless Searches Act"	1103					1103
3096 -	By Delegates J. Pack, Steele, and Graves: Requiring county boards of education to publish its sponsored programs and the number of students permitted to participate	1103					1103
3097 -	By Delegates Doyle, Hansen, Rowe, Fleischauer, Barach, Griffith, Bates, Evans, Walker, Young, and Pushkin: Create the Corporate Anti-Subsidy Act	1103					1103
3098 -	By Delegates Thompson, Walker, Barach, and Griffith: Prohibit at-will employment and mandate that employees may only be dismissed for cause after completing a probationary period	1103					1103

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3099 -	By Delegates Keaton, Barnhart, Pinson, and Holstein: Relating to grandparents' rights to visit grandchildren	1104					1104
3100 -	By Delegates Keaton, and Holstein: To make exempt from sales tax the purchase of plastic and pewter models used in hobbies such as tabletop strategy or role playing gaming	1104					1104
3101 -	By Delegates Nestor, Jeffries, D., Horst, Storch, Pritt, Kimes, Bruce, Hanna, Conley, Forsht, and Mallow: Preserve the constitutional right of West Virginian's to be free from unlawful automotive searches	1104					1104
*3102 -	By Delegates Cooper, Toney, Haynes, and Barnhart: Requiring Director of transportation to have experience in transportation department	1104	1543				1104, 1573
3103 -	By Delegates Thompson, and Young: Educational Employee Tax Credit	1104					1104
3104 -	By Delegate Gearheart: Eliminating specific statutory restrictions on outdoor advertisement	1104					1105
3105 -	By Delegate Lovejoy: Increasing salary of Secretary of WV Library Commission	1105					1105
*3106 -	By Delegates Barrett, Steele, Fast, and Fleischauer: To change the hearing requirement for misdemeanors to 10 days (Chapter 91, Acts, Regular Session, 2021)	1105	1624	4288-4292	1921, 4292	4288	1105, 1737, 1882, 1921, 4292, 4385, 4387
3107 -	By Delegates Criss, Lovejoy, Jeffries, J., and Pack, L.: Declaring that Post Traumatic Stress Disorder diagnosed by a licensed psychiatrist is a compensable occupational disease for first responders (Chapter 280, Acts, Regular Session, 2021)	1105	1326, 1400	1616, 4347-4350	1651, 4350	4347	1105, 1326, 1538, 1570, 1671, 1616, 1651, 4351, 4381, 4387
3108 -	By Delegate Martin: Establish the WV Constitution and the WV Code as the primary law in WV	1105					1105
3109 -	By Delegates Thompson, Dean, and Young: Salary increase for teachers and school service personnel	1105					1106
3110 -	By Delegates Young, Wamsley, Higginbotham, Thompson, Hornbuckle, Zukoff, Walker, and Barach: Student Suicide Prevention - ID Cards	1106					1106

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3111 -	By Delegates Thompson, and Barach: Supporting Students Who Are Parents Act	1106					1106
3112 -	By Delegates Thompson, Evans, Hansen, Young, Pushkin, Griffith, Walker, Zukoff, and Barach: Requiring Trauma-informed Employee training for employees of Division of Corrections and Rehabilitation	1106					1107
3113 -	By Delegates Young, Fluharty, Pushkin, and Hornbuckle: Removing certain drugs from schedule I	1107					1107
3114 -	By Delegate Higginbotham: Direct West Virginia State Board of Education to require proof of vision examination before child is enrolled in public or private school	1107					1107
3115 -	By Delegates Thompson, Walker, Barach, Griffith, Zukoff, and Young: Guarantee Earned Sick Days for every worker	1107					1107
3116 -	By Delegates Thompson, Evans, Hansen, Griffith, Young, Walker, Pushkin, Zukoff, and Barach: Establish an Earned Income Tax Credit	1108					1108
3117 -	By Delegates Thompson, Walker, Griffith, Young, and Zukoff: Establish technology/remote work tax deduction from state income tax	1108					1108
3118 -	By Delegates Barach, Brown, Doyle, Reynolds, Griffith, Bates, Pushkin, Thompson, Worrell, Hansen, and Skaff: Prohibiting certain noncompete or conflict of interest provisions in employment contracts	1108					1108
3119 -	By Delegates Martin, and Howell: Relating to access of records in controlled substance monitoring	1108					1108
3120 -	By Delegates Thompson, Evans, Griffith, Young, Walker, Pushkin, Zukoff, and Barach: Providing for continuity of medical care for newly-incarcerated people	1108					1109
3121 -	By Delegate Rowe: Providing for collection of data regarding police encounters that are not traffic stops	1109					1109
3122 -	By Delegates Riley, and Rowe: Relating to the establishment and operation of regional water, wastewater and stormwater authorities	1109	1627, 1601				1109, 1627, 1661

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3123 -	By Delegates Thompson, Walker, Barach, Griffith, Young, and Zukoff: Family Leave Program: Provide paid time off for workers to care for a family member	1109					1109
3124 -	By Delegates Thompson, Walker, Barach, Griffith, Diserio, Young, Zukoff, and Dean: Permit collective bargaining for public employees	1109					1110
3125 -	By Delegates Thompson, Boggs, Dean, and Barach: Mandating that teachers receive supplemental pay for compelled teaching outside of established schedule	1110					1110
3126 -	By Delegates Thompson, Hornbuckle, Walker, Young, Griffith, Zukoff, Barach, and Dean: Public School Protection Act	1110					1110
*3127 -	By Delegates Westfall, and Sypolt: Relating to Public Utilities Audit	1111	1683				1111
3128 -	By Delegates Capito, Keaton, Pack, L., and Bruce: Relating to carrier fees on 911 fee revenues	1087	1087		1317		1175, 1250, 1316, 1317
3129 -	By Delegates Capito, Keaton, and Pack, L.: Relating to the Consumer Price Index rate increase (Chapter 189, Acts, Regular Session, 2021)	1144	1144	3750	1385, 3750	3750	1251, 1319, 1385, 3750, 4378, 4387
3130 -	By Delegates Capito, Keaton, and Pack, L.: Relating to elimination of sunset provisions concerning towing rates (Chapter 190, Acts, Regular Session, 2021)	1144	1144	1470, 1473, 3751-3753	1472, 3753	3751	1251, 1319, 1385, 1470, 1472, 1473, 3753, 4378, 4387
3131 -	By Delegates Capito, Keaton, and Pack, L.: Relating to correcting internal code references and citations	1086	1086				1175, 1179
3132 -	By Delegates Capito, Keaton, and Pack, L.: Relating to motor carrier inspectors (Chapter 271, Acts, Regular Session, 2021)	1145	1145	1319	1386	4370	1251, 1319, 1385, 1386, 4385, 4387
3133 -	By Delegates Capito, Keaton, and Pack, L.: Relating to motor carrier rates (Chapter 191, Acts, Regular Session, 2021)	1087	1087	3754	1317, 3754	3753	1175, 1250, 1317, 3754, 4385, 4387
3134 -	By Delegates Pinson, Capito, Westfall, and Pack, L.: Prohibiting public disclosure of restricted information	1147	1147				1251, 1319, 1386
3135 -	By Delegate Pritt: Make gold and silver legal tender in WV	1156					1156

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3136 -	By Delegates Steele, Storch, Householder, Westfall, Clark, Hamrick, Barrett, Foster, Haynes, and Jeffries, J.: Repeal code relating to wagering or betting on elections	1156					1156
*3137 -	By Delegates Hardy, and Barrett: To accelerate the conversion of the transfer tax on the privilege of transferring real property from a state excise tax to a county excise tax	1156	1157, 1490		1651		1157, 1571, 1616, 1651
3138 -	By Delegates Foster, Riley, Paynter, Phillips, Steele, and McGeehan: To update the requirements of the state director of health to quarantine and enforce regulations in a specific place	1157					1157
3139 -	By Delegates Maynard, Steele, Jeffries, J., Statler, Booth, Sypolt, Holstein, Queen, Dean, and Paynter: To allow for full-time paid employees of a Volunteer Fire Company to participate in the West Virginia Public Employee Retirement System.	1157					1157
3140 -	By Delegates Walker, Evans, Thompson, Pushkin, Bates, Rowe, Boggs, and Doyle: Allowing disabled persons to operate small electric vehicles on the Greenbrier Trail	1157					1157
3141 -	By Delegates Rowe, Hansen, Doyle, Walker, Hornbuckle, Pushkin, and Fleischauer: Designating February 3 as "Freedom Day," to memorialize the February 3, 1865 Act by the Legislature that abolished slavery in West Virginia	1157					1158
3142 -	By Delegate Barnhart: Relating to electric bicycles	1158					1158
3143 -	By Delegate Pritt: Prohibit county clerk from charging or prohibiting person from taking pictures of public documents	1158					1158
3144 -	By Delegate Pritt: Repeal section relating to circuit courts having limited jurisdiction to hear divorce cases	1158					1158
3145 -	By Delegate Pushkin: Providing certain exemptions from recovery residence standards for group housing facilities of 50 beds or more	1158					1158
3146 -	By Delegates Barnhart, Keaton, Ward, G., Ferrell, McGeehan, Phillips, Jeffries, D., and Kelly, J.: Relating to the review of certain executive orders issued by the President of the United States	1158					1159

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3147 -	By Delegates Doyle, and Evans: Increasing the tax on the privilege of severing natural gas and oil	1159					1159
3148 -	By Delegate Holstein: To create a renewable 2 year state level grant for foster parent screening	1159					1159
3149 -	By Delegates Statler, and Kessinger: Revise existing standards and establish the burden of proof imposed on civil litigants seeking to circumvent corporate structure in civil litigation	1159					1159
3150 -	By Delegate Barrett: To cap the cost of in-state tuition for West Virginia universities and colleges who receive in state funding	1159					1159
3151 -	By Delegate Barrett: To phase out magisterial districts in West Virginia by 2024	1159					1159
3152 -	By Delegate Riley: Exempt interest payments on deposits held less than 18 months	1160					1160
3153 -	By Delegate McGeehan: Eliminate the WV Fusion Center	1160					1160
3154 -	By Delegate Barrett: To restrict what charities candidates may contribute to with excess campaign cash	1160					1160
3155 -	By Delegates Fast, Householder, Criss, Mazzocchi, Lovejoy, Nestor, and Bruce: Provide for a raise for private investigators hired by public defender offices or court appointed panel attorneys	1160					1160
3156 -	By Delegate Holstein: To ban The Prevalent and Intrusive Chinese Communist Parties Confucius institutions in West Virginia	1160					1160
3157 -	By Delegates Kimble, Holstein, Hanna, Keaton, Kessinger, Mazzocchi, Summers, Cooper, McGeehan, Phillips, and Horst: The Forming Open and Robust University Minds (FORUM) Act	1160	1582				1161, 1582
3158 -	By Delegate Holstein: To codify applicable sections of President Donald J. Trump's Executive Order 13798: Promoting Free Speech and Religious Liberty into state code.	1161					1161
3159 -	By Delegates Hamrick, Howell, Linville, Summers, Kimble, Smith, Ferrell, Reynolds, Kelly, J., Anderson, and Steele: Relating to Consumer Data Privacy	1161					1162
3160 -	By Delegates Young, and Griffith: Creating online voters' guide	1162					1162

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3161 -	By Delegates Young, and Griffith: Relating to online privacy protection for minors	1162					1162
3162 -	By Delegates Young, Hansen, and Doyle: Permitting third-party ownership of renewable and alternative energy generating facilities	1162					1162
3163 -	By Delegates Young, Pushkin, Fluharty, Walker, and Thompson: Second Look Sentencing Act	1163					1163
3164 -	By Delegates Young, Thompson, Griffith, and Lovejoy: Relating generally to kidnapping	1163	1400		1614		1163, 1538, 1571, 1614
3165 -	By Delegates Young, Thompson, Diserio, and Boggs: Creating personal income tax credit for volunteer firefighters	1163					1163
3166 -	By Delegates Young, Pushkin, Garcia, Fluharty, Zukoff, Walker, Thompson, and Lovejoy: Prohibit Department of Corrections and Rehabilitation from making inmates pay co-payment for medical or dental service by a doctor or nurse	1163					1163
3167 -	By Delegates Young, Pushkin, Fluharty, Zukoff, Walker, Thompson, and Lovejoy: Access to Rehabilitation Act	1164					1164
3168 -	By Delegates Young, Thompson, Barach, Griffith, and Lovejoy: Creating small business and minority populations economic and workforce development taskforce	1164					1164
3169 -	By Delegates Young, Thompson, Barach, Griffith, and Lovejoy: To provide a new criminal offense of sexual extortion and sexual extortion by a person holding a position of trust, supervisory authority, or disciplinary power over another person	1164					1164
3170 -	By Delegates Young, Fleischauer, Bates, Walker, Griffith, Barach, Thompson, Lovejoy, and Hansen: Relating to wholesale importation of prescription drugs	1164					1164
3171 -	By Delegates Young, Thompson, Barach, Griffith, Diserio, and Boggs: To provide a fifty percent reduction in fees and charges relating to state parks for West Virginia veterans	1165					1165

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3172 -	By Delegates Young, Thompson, Barach, Griffith, and Lovejoy: Require every hospital to have someone available to perform forensic exams	1165					1165
3173 -	By Delegates Young, Thompson, Barach, Griffith, and Lovejoy: Relating to the addition of the word stalking	1165					1165
3174 -	By Delegate Young: Require Correctional Facilities to provide free feminine hygiene products	1165					1165
3175 -	By Delegates Fluharty, Capito, Pack, L., Westfall, and Pinson: Relating to removing certain felonies than can prohibit vehicle salespersons from receiving a license (Chapter 60, Acts, Regular Session, 2021)	1147	1147	2866-2867	1386, 2868	2866	1251, 1320, 1386, 1387, 2868, 4376, 4387
3176 -	By Delegate Walker: Requiring sharps containers in all state buildings and facilities where the public is allowed	1205					1205
3177 -	By Delegates Ellington, Hanna, Higginbotham, Hamrick, Kessinger, Smith, Toney, Mazzocchi, Horst, Holstein, and Mandt: Removing expired, outdated, inoperative and antiquated provisions and report requirements in education (Chapter 104, Acts, Regular Session, 2021)	1205	1496		1615	3754, 4371	1206, 1538, 1571, 1614, 1615, 1650, 3754, 3757, 4385, 4387
3178 -	By Delegate Pritt: Suspend state government pay if business is shut down due to a pandemic	1207					1207
3179 -	By Delegates Mallow, Conley, Mandt, and Forsht: Limit property tax increases on certain individuals	1207					1207
3180 -	By Delegates Mallow, Conley, Mandt, and Forsht: Require all tax assessments be done on a periodic schedule	1207					1207
3181 -	By Delegate Riley: Relating to Public Service Commission and Public Service districts	1207					1207
3182 -	By Delegate Rowe: Require insurance companies pay for telemedicine and in-person treatment and evaluation at the same rates	1207					1208
3183 -	By Delegates J. Pack, Householder, Summers, and Steele: Require a lobbyist immediately notify clients in writing about a potential conflict of interest	1208					1208
3184 -	By Delegate Bates: Including workers' compensation providers in the insurance prior authorization process	1208					1208

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3185 -	By Delegate Dean: To allow all licensed hunters in the 4 trophy counties to automatically qualify to use a crossbow, after age 65	1208					1208
3186 -	By Delegate Bates: Relating to PEIA inpatient rates	1208					1209
3187 -	By Delegate Pritt: Prohibit parents from being restricted from monitoring virtual public education classrooms	1209					1209
3188 -	By Delegates Walker, Pushkin, Fleischauer, Fluharty, Young, and Hansen: Making expungement of records for certain defendants found not guilty or have had charges dismissed to occur without petitioning the court	1209					1209
3189 -	By Delegates Walker, Evans, Thompson, Pushkin, Fluharty, and Young: Establishing requirements for confining juveniles in juvenile facilities	1209					1210
3190 -	By Delegates Dean, Paynter, Cooper, Kimes, Maynard, Booth, Haynes, Ward, G., Hanna, Ferrell, and Wamsley: Allow anyone with a master's degree to sit for WV Bar exam and become licensed attorney	1210					1210
3191 -	By Delegates Boggs, Storch, Pethtel, Householder, Westfall, and Hott: Requiring employers to send certain notifications when retirants are hired as temporary, part-time employees (Chapter 212, Acts, Regular Session, 2021)	1210	1489	2869-2871	1652, 2871	2868	1210, 1571, 1617, 1652, 2871, 4376, 4387
3192 -	By Delegate Graves: Creating the West Virginia Farm Fresh Dairy Act	1210					1210
3193 -	By Delegates Walker, Young, Thompson, Rowe, and Hansen: Relating to obtaining an appropriate gender marker for state documents	1210					1210
3194 -	By Delegates Smith, Gearheart, Clark, Keaton, Barnhart, Hanna, Hamrick, Foster, Steele, and Pack, L.: Relating to Delinquent Property Tax sales	1211					1211
3195 -	By Delegates Hamrick, and Hanna: To repeal the extra \$200 fee for electric vehicle registration and \$100 for hybrid vehicle registration	1211					1211
3196 -	By Delegates Hamrick, Hornbuckle, and Higginbotham: Ensuring those citizens qualified for an expungement receive the expungement they are entitled	1211					1211

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3197 -	By Delegates Kimble, Sypolt, Steele, Foster, Kimes, Pritt, Horst, Fast, Ward, G., Mazzocchi, and McGeehan: Allow Religious Exemptions for vaccines	1211					1211
3198 -	By Delegates Hansen, Queen, Evans, Anderson, Hornbuckle, Skaff, and Rowe: Establishing a program to facilitate the recovery of areas of the state that have been impacted by the reduction of coal production and consumption	1211					1212
3199 -	By Delegate Phillips: To establish gender guidelines for public school restrooms	1212					1212
3200 -	By Delegate Sypolt: Relating to maintenance and repair of roads and highways	1213					1213
3201 -	By Delegate Young: Creating the Food Infrastructure Grant	1213					1213
3202 -	By Delegate Barnhart: To allow public high schools to have full time athletic trainers	1213					1213
3203 -	By Delegates Hornbuckle, and Lovejoy: WV Small Business COVID Relief Act	1213					1213
3204 -	By Delegate Steele: Relating to custodial interrogation of a child	1213					1214
3205 -	By Delegate Foster: Relating to medical marijuana	1214					1214
3206 -	By Delegates Hornbuckle, Lovejoy, Rohrbach, Barach, Hansen, Pushkin, Williams, and Worrell: Provide a safe process for organic waste composting	1214					1214
3207 -	By Delegates Thompson, and Barach: Protecting teacher work schedules	1214					1215
3208 -	By Delegates Graves, Cooper, Dean, Maynard, Ferrell, Storch, Pack, J., Toney, and Pack, L.: Relating to establishing a minimum monthly retirement annuity for certain retirees with 25 or more years of credited service	1215					1215
3209 -	By Delegates Barach, Young, Linville, Rowe, Ferrell, Pritt, Skaff, Pushkin, Pack, L., Graves, and Griffith: Excepting persons previously commissioned as a notary public from requirement to have a high school diploma or its equivalent in order to be recommissioned as a notary public	1215					1215
3210 -	By Delegates Doyle, Hansen, Evans, Hornbuckle, and Fleischauer: Department of Commerce to assist qualified tourism projects	1215					1215

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3211 -	By Delegates Doyle, Walker, Hornbuckle, Barach, Young, Griffith, and Fleischauer: State Police Review Board	1215					1216
3212 -	By Delegate Thompson: Establish a system to fund and provide childcare for workers in "essential positions."	1216					1216
3213 -	By Delegates Barach, Griffith, Zukoff, Diserio, Ferrell, Doyle, Walker, Hansen, Evans, Fleischauer, and Hornbuckle: Assessing a impact fee on internet sales originating or ending in the state	1217					1217
3214 -	By Delegates Storch, Queen, Riley, Kelly, D., Barnhart, Reynolds, Fluharty, and Zukoff: Reallocating and dedicating three percent of oil and gas severance tax revenues to the oil and gas producing counties	1217					1217
*3215 -	By Delegates Brown, and Pinson: Amending the requirements to become an elected prosecutor (Chapter 109, Acts, Regular Session, 2021)	1217	1400	3786-3787	1615, 3787	3786	1217, 1538, 1615, 3787, 4385, 4388
3216 -	By Delegate Thompson: Establish an excess compensation tax on the income of corporate executives under certain circumstances	1217					1217, 1571
3217 -	By Delegates Hornbuckle, Thompson, Dean, Lovejoy, Ferrell, Zukoff, Griffith, and Kessinger: Student Rescue Act	1218					1218
3218 -	By Delegates Hott, and Westfall: Remove "deliberate intent" exception from workers' comp	1218					1218
3219 -	By Delegate Graves: Decoupling horse racing from licensed racetrack casinos	1218					1219
3220 -	By Delegates L. Pack, Keaton, Mallow, Conley, Forsht, Longanacre, Haynes, Kimble, Burkhammer, Hanna, and Pritt: Restrictions on Taxpayer funded lobbying	1219					1220
3221 -	By Delegate Howell: To modify the state special education appropriation to counties for special education students who are wards of the state and who require out of state placement	1220					1220
3222 -	By Delegates Mallow, Conley, Mandt, and Forsht: Assure West Virginians proper access to water and sewage service at reasonable rates	1220					1220

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3223 -	By Delegate L. Paack: Prohibit state, county, and municipal governments from dedicating or naming any public structure for a public official who is holding office at the time	1220					1220
3224 -	By Delegate Young: Establish food desert produce pilot program	1220					1220
3225 -	By Delegates Young, and Worrell: Hunger-Free Campus Act	1220					1221
3226 -	By Delegate Holstein: To waive the adoption fee of animals for veterans	1221					1221
3227 -	By Delegate Griffith: To provide a means to classify when medications should be continued or stopped for patients	1221					1221
3228 -	By Delegate Griffith: To require a new written, phoned, or e-mail prescription order within 72 hours of a prescription change	1221					1221
3229 -	By Delegate Griffith: To require all prescribers of medication to include their purpose for prescribing the medication to the patient	1221					1221
3230 -	By Delegate Pethitel: Prohibiting dangerous materials being placed on highways	1221					1221
*3231 -	By Delegates Conley, and Riley: Public Utilities not required to pay interest on security deposits	1222	1490		1652		1222, 1572, 1617, 1652
3232 -	By Delegate Hornbuckle: To establish cultural competency training for teachers obtaining or renewing a teaching license in West Virginia	1222					1222
3233 -	By Delegate Pritt: Prohibit electronic ballots	1222					1222
3234 -	By Delegate Pritt: Ban civil asset forfeiture unless person convicted	1223					1223
3235 -	By Delegate Hamrick: To establish the Vegetable Garden Protection Act	1223					1223
3236 -	By Delegate Toney: Relating to pay for Board of Education members	1223					1223
3237 -	By Delegate Pushkin: Establishing of the West Virginia Public Participation Act	1223					1223
3238 -	By Delegates Young, and Worrell: Establish Food Waste Task Force	1223					1223
3239 -	By Delegates Barach, Doyle, Walker, Hornbuckle, Griffith, Young, Pushkin, Fleischauer, Hansen, Diserio, and Thompson: Promoting the long term development of a more diversified energy generation and production portfolio in this state	1223					1224

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3240 -	By Delegate Bates: Establishing an Earned Income Tax Credit	1224					1224
3241 -	By Delegate Evans: Big Creek Cape Coalwood Commission	1224					1224
3242 -	By Delegates Fluharty, Zukoff, Garcia, Young, and Hornbuckle: Exempting law enforcement and emergency vehicles from paying turnpike tolls	1225					1225
3243 -	By Delegate Steele: Relating to deputies transferring to another department within the civil service system	1225					1225
3244 -	By Delegate Toney: To establish a state bank of West Virginia	1225					1226
3245 -	By Delegate Hamrick: The Protection of All Property from Warrantless Searches Act	1226					1226
3246 -	By Delegate Hamrick: Protecting Everyone's Constitutional Rights Act	1226					1226
3247 -	By Delegates Fleischauer, Walker, Zukoff, Young, Storch, Rowan, Sypolt, Skaff, Lovejoy, Brown, and Fluharty: Creating the Katherine Johnson and Dorothy Vaughan Fair Pay Act	1227					1227
3248 -	By Delegate Foster: Eliminating the food handler examination and card	1227					1227
3249 -	By Delegate Foster: Reducing to one year the deadline for right to set aside deed	1227					1227
3250 -	By Delegate Hanshaw (Mr. Speaker): Restricting Public Service Commission from promulgating certain rules	1227					1227
3251 -	By Delegates Fluharty, Zukoff, Garcia, Young, Hornbuckle, and Bates: Exempting school buses with students on board from paying turnpike tolls	1227					1227
3252 -	By Delegates Hornbuckle, Hanna, Fluharty, Griffith, Young, Doyle, Zukoff, Walker, Rowe, and Fleischauer: Establish the Commission on American History Enrichment	1227					1228
3253 -	By Delegate Hamrick: Relating to late fees for property taxes	1228					1228
*3254 -	By Delegate Hanshaw (Mr. Speaker): Authorizing members of development authorities to accept federally authorized reimbursement for services which the members rendered on a voluntary basis (Chapter 78, Acts, Regular Session, 2021)	1228	1547	3048-3053	1704, 3053	3048	1228, 1618, 1658, 1704, 1705, 3054, 4376, 4387

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3255 -	By Delegate Steele: Creating the Anti-Abuse of Power Act	1228					1228
3256 -	By Delegate Holstein: To create a state level government grant for safe houses to be implemented in the State of West Virginia	1228					1229
3257 -	By Delegate Pritt: Faithless Elector law	1229					1229
3258 -	By Delegate Pritt: Requiring party affiliation on school board elections	1229					1229
3259 -	By Delegate Pritt: Prohibit state funding for any organization that performs abortions	1229					1229
3260 -	By Delegates Rowe, Pushkin, Skaff, Barach, Young, and Griffith: To extend the Neighborhood Investment Program Act to July 1, 2026 and to increase the allowable tax credit	1229					1229
3261 -	By Delegate Pritt: Relating to adoption attorneys	1228	1576				1230, 1576
3262 -	By Delegate Pritt: Allowing for child support arrears agreements that the Family Court must accept	1230					1230
3263 -	By Delegate Pritt: Relating to creating the refugee information act	1230					1230
3264 -	By Delegate Pritt: Provide for crime of impersonating non-public persons on social media	1230					1230
3265 -	By Delegate Pritt: Require an ultrasound prior to abortion	1230					1230
*3266 -	By Delegate Statler: Providing for termination of extracurricular contact upon retirement (Chapter 245, Acts, Regular Session, 2021)	1230	1543		1705	4370	1230, 1618, 1658, 1705, 4385, 4388
3267 -	By Delegates Wamsley, Booth, Haynes, and Bruce: Relating to inventory tax reduction	1231					1231
3268 -	By Delegates Paynter, Gearheart, Ward, G., Dean, Bridges, and Smith: To require independent, third party audits every 3 years of all public utilities in West Virginia who have over 2,000 customers	1231					1231
3269 -	By Delegate Worrell: To require the Department of Environmental Protection to assume responsibility of cost and permitting of dams that are deemed to be under state control	1231	1626				1231, 1629

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3270 -	By Delegates Paynter, Kessinger, Householder, Summers, Dean, and Worrell: To exempt the first \$35,000 of retirement income for senior citizens in West Virginia who are 60 years and older from state income taxation	1231					1231
3271 -	By Delegate Haynes: Providing that the WVSSAC promulgate rules relating to the right to broadcast interscholastic athletic events	1231					1231
3272 -	By Delegate Thompson: Establish a Fair Workweek for West Virginia, that accounts for predictability pay, split-shift pay, on-call pay, and an advance-notice provision	1231					1232
3273 -	By Delegate Haynes: A bill relating to pre-need funeral solicitation	1232					1232
3274 -	By Delegate L. Pack: To prohibit credited time for legislative pensions	1232					1232
3275 -	By Delegate Bates: Relating to resiliency, public safety and quality of broadband in WV	1232					1232
3276 -	By Delegate Bates: Creating parity for mental health services	1233					1233
3277 -	By Delegate Bates: To amend the existing health insurance clean claims law to include workers' compensation providers	1233					1233
3278 -	By Delegate Young: Create Intergenerational Poverty Task Force	1233					1233
3279 -	By Delegate Griffith: Incentivizing the Sale of Healthy, Local Produce	1233					1234
3280 -	By Delegate Rowe: Relating to assault with bodily fluids	1234					1234
3281 -	By Delegates J. Kelly, Steele, Reynolds, Booth, Riley, Bridges, Cooper, Barnhart, and Kelly, D.: To put cable television network providers under the purview of the PSC for any rate increases or reductions of channels available to customers	1234					1234
3282 -	By Delegates Thompson, Pushkin, and Hornbuckle: Establish caps on the numbers of students per classroom at all grade levels	1234					1234
3283 -	By Delegates Fast, Householder, and Criss: Amending the Hotel Motel Tax	1234					1235
3284 -	By Delegates Rowan, Miller, Toney, Dean, Paynter, and Cooper: To differentiate the roles of public high school teachers	1235					1235

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3285 -	By Delegates Rowan, and Hanna: To provide for the HSTA scholarships	1235	1542				1235, 1542
3286 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Making a supplementary appropriation to the Division of Human Services – Child Care and Development (Chapter 31, Acts, Regular Session, 2021)	1375	1682		2386	3054	1375, 1884, 2351, 2386, 2387, 2388, 4376, 4387
3287 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Making a supplementary appropriation to the Department of Homeland Security (Chapter 32, Acts, Regular Session, 2021)	1375	1682		2387	3054	1376, 1884, 2351, 2387, 4376, 4387
3288 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Supplementing and amending appropriations by decreasing and increasing existing items of appropriation in the DHHR (Chapter 33, Acts, Regular Session, 2021)	1376	1682	3244-3247	2388, 3247	3244, 3951	1376, 1884, 2351, 2388, 3248, 4376, 4387
3289 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Supplementary appropriation to the Department of Commerce, Geological and Economic Survey (Chapter 34, Acts, Regular Session, 2021)	1376	1682		2389	3054	1376, 1884, 2352, 2388, 2389, 4379, 4387
3290 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Supplemental appropriation decreasing existing items of appropriation and adding new items of appropriation in the Department of Health and Human Resources	876					1377
3291 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Making a supplementary appropriation to the Department of Homeland Security, Division of Administrative Services (Chapter 35, Acts, Regular Session, 2021)	1377	1682		2389	3054	1377, 1884, 2352, 2389, 2390, 4376, 4387
3292 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health (Chapter 36, Acts, Regular Session, 2021)	1377	1683		2390	3055	1377, 1884, 2352, 2390, 2391, 3242, 3673

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*3293 -	By Delegates Hanna, Bridges, Clark, Ellington, Horst, Jennings, Longanacre, Mazzocchi, Tully, Phillips, and Burkhammer: Relating to single-sex participation in interscholastic athletic events (Chapter 105, Acts, Regular Session, 2021)	1335	1335, 1493	3248-3251	1653, 3252	3248	1336, 1572, 1617, 1652, 1653, 1654, 3252, 4385, 4388
3294 -	By Delegates Capito, Fast, Young, Pack, L., Zukoff, Pushkin, and Lovejoy: Relating to unemployment insurance (Chapter 273, Acts, Regular Session, 2021)	1491	1491	1619, 1654, 2973	1654, 2974	2972	1572, 1617, 1654, 1655, 2974, 4376, 4388
*3295 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Making a supplemental appropriation to Division of Human Services and Division of Health Central Office (Chapter 37, Acts, Regular Session, 2021)	1558	1684		2381	3075	558, 1884, 2352, 2391, 4376, 4387
3296 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Decreasing and increasing appropriations to the Executive, Governor's office	1559					1559
*3297 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Making a supplemental appropriation to the Department of Veterans' Assistance - Veterans Home (Chapter 38, Acts, Regular Session, 2021)	1559	2684		2392	3075	1559, 1884, 2352, 2392, 4377, 4387
3298 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Making a supplemental appropriation to Dept. of Commerce, Dept. of Education, Senior Services and Civil Contingent Fund (Chapter 39, Acts, Regular Session, 2021)	1559	1660		1621	2822	1559, 1737, 1882, 1921, 1922, 4377, 4387
3299 -	By Delegates Ellington, Clark, Horst, and Griffith: Authorizing Higher Education Rules (Chapter 158, Acts, Regular Session, 2021)	1542	1542	3758	1706, 3758	3758	1618, 1658, 1705, 1706, 3758, 4385
3300 -	By Delegates Householder, Criss, Barrett, Espinosa, Gearheart, Linville, Maynard, Hott, Hardy, Ellington, and Pack, J.: Relating to reducing personal income tax rates generally	1548	1548	1790-1793	1801	3129	1619, 1658, 1706, 1707, 1790, 1801, 3196

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3301 -	By Delegates Storch, Hardy, Rowan, Boggs, Rowe, Hott, Williams, Anderson, Howell, Hombuckle, and Rohrbach: Relating generally to property tax increment financing districts (Chapter 79, Acts, Regular Session, 2021)	1548	1548	3805-3825	1706, 3826	3804	1619, 1658, 1706, 3826, 4385, 4388
3302 -	By Delegates Linville, and Garcia: Relating generally to broadband enhancement and expansion policies	1574	1574				1574
3303 -	By Delegates D. Kelly, Boggs, Capito, Fast, Westfall, and Pack, L.: Relating to clarifying the process of filling vacancies on ballots	1575	1575		1802		1659, 1735, 1802
3304 -	By Delegates Capito, Pushkin, Pack, L., Lovejoy, Queen, Fast, Westfall, Fluharty, Bruce, Pinson, and Ward, B.: Authorizing the Division of Corrections and Rehabilitation to establish a Reentry and Transitional Housing Program (Chapter 67, Acts, Regular Session, 2021)	1622	1622	3826-3830	1922, 3830	3826	1737, 1882, 1992, 3830, 3831, 4381, 4388
3305 -	By Delegates Martin, Higginbotham, Ellington, Horst, Mazzocchi, and Wamsley: Relating to required course of study	1580	1580				1659, 1679
3306 -	By Delegates Jennings, Ellington, Horst, and Martin: Relating to virtual instruction	1581	1581				1659, 1736, 1775
*3307 -	By Delegates Linville, Espinosa, Maynard, Hamrick, Keaton, Ferrell, and Holstein: Social Media Integrity and Anti-Corruption in Elections Act	1626	1626, 1661, 1775	2352	2392		1627, 1660, 1661, 1777, 2352, 2392, 2393
3308 -	By Delegates Barrett, Storch, Hardy, Rowe, Williams, Pethel, Howell, and Criss: Relating to increasing number of limited video lottery terminals (Chapter 127, Acts, Regular Session, 2021)	1679	1679	2353, 2394	2393	4370	1884, 2353, 2393, 2394, 4381, 4388
3309 -	By Delegates Barrett, Hardy, Storch, Howell, Pethel, Williams, Rowe, and Criss: Creating and funding a Video Lottery Terminals Modernization Fund	1680	1680				1884, 1889
3310 -	By Delegates Capito, Queen, Lovejoy, and Garcia: Relating to the jurisdiction of the Public Service Commission (Chapter 111, Acts, Regular Session, 2021)	1765	1765	2354, 2394, 3252-3264	2394, 3265	3252	1885, 2354, 2394, 2395, 3265, 4385, 4388
3311 -	By Delegates Rohrbach, Forsht, Mallow, Longanacre, and Bates: Relating to the cost of medical records (Chapter 223, Acts, Regular Session, 2021)	1740	1740		2395	4370	1885, 2354, 2394, 2395, 4385, 4388

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3312 -	By Delegate Steele: Establishing a memorial to child labor and child workers who died in the course of employment in this state	1765	1765		2395		1885, 2355, 2395
3313 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation to the Division of Motor Vehicles (Chapter 40, Acts, Regular Session, 2021)	2371	2525		2791	3951	2372, 2577, 2638, 2791, 4387
3314 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation to West Virginia State Police (Chapter 41, Acts, Regular Session, 2021)	2372	2525		2792	3952	2372, 2577, 2638, 2791, 2792, 4377, 4387
3315 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation to Division of Environmental Protection - Oil and Gas Reclamation Fund (Chapter 42, Acts, Regular Session, 2021)	2372	2525		2792	3952	2372, 2577, 2638, 2792, 2793, 4377, 4387
3316 -	By Delegates Espinosa, Hornbuckle, Rowan, Maynard, Boggs, Toney, Statler, Ellington, Rohrbach, Pack, J., and Hardy: Supplemental appropriation to the Department of Education, State Board of Education (Chapter 43, Acts, Regular Session, 2021)	2524	2524		2793	3952	2577, 2639, 2793, 4377, 4387
3317 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Making supplementary appropriation to West Virginia Commuter Rail Access Fund	2607	3242		3243		2608, 3243, 3244

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*Denotes Committee Substitute

Number	SPONSOR(S) AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
1 -	By Delegate Hanshaw (Mr. Speaker): Raising a Joint Assembly to open and publish election returns	25			25	27	25
2 -	By Delegate Hanshaw (Mr. Speaker): Providing for an adjournment of the Legislature until February 10, 2021	26			26	27	25, 26
3 -	By Delegate Mr. Speaker: Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor	116			117	223	116, 117
4 -	By Delegate Linville: Private First Class Herman Harold Lucas Memorial Bridge	245	2452, 2529		2608		245, 2454, 2608, 2610
5 -	By Delegates Howell, Hamrick, Foster, Martin, Steele, Ellington, Jennings, Horst, Ward, B., Pack, L., Gearheart, Smith, Longanacre, and Forsht: To provide an Article 5 convention in order to propose an amendment to the US Constitution where 3/5 of the states could overturn a federal law	441					441
6 -	By Delegates Holstein, and Barnhart: To repeal Section 230 of the US Code to protect the freedom of speech online.	464					464
7 -	By Delegates Holstein, Keaton, Paynter, Wamsley, Barnhart, Pritt, Hanna, and Longanacre: A resolution to ensure that the Supreme Court is composed of nine justices.	485					485
8 -	By Delegates D. Jeffries, Pinson, Smith, Ward, B., and Wamsley: U.S. Army SFC Guy Hively Memorial Bridge	486	1089, 1176		1235	2530	486, 1089, 1235
9 -	By Delegates J. Pack, Bruce, Burkhammer, Conley, Dean, Ellington, Ferrell, Foster, Graves, Hanna, Haynes, Holstein, Hott, Jeffries, D., Jeffries, J., Keaton, Kessinger, Kimble, Longanacre, Mandt, Miller, Paynter, Phillips, Pritt, Reynolds, Riley, Rohrbach, Smith, Steele, Toney, Wamsley, Ward, G., Linville, Pack, L., Ward, B., Zatezalo, Tully, Statler, Forsht, Sypolt, Barnhart, Summers, Rowan, McGeehan, and Worrell: Urging Congress to call a convention of states to limit terms of office of the US House of Representatives	493	705, 706, 1091		1166	1551	493, 706, 1166, 1167

Number	SPONSOR(S) AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
10 -	By Delegates Nestor, Ward, B., Haynes, Pinson, Phillips, Toney, Anderson, Hott, Ferrell, Jennings, Barach, Barnhart, Booth, Bruce, Conley, Cooper, Criss, Dean, Diserio, Fast, Forsht, Graves, Hamrick, Hanna, Holstein, Householder, Howell, Jeffries, D., Jeffries, J., Keaton, Kelly, D., Kessinger, Kimble, Kimes, Longanacre, Lovejoy, Mallow, Mandt, Maynard, McGeehan, Miller, Pack, L., Paynter, Pethel, Pritt, Pushkin, Reed, Reynolds, Riley, Smith, Statler, Storch, Sypolt, Walker, Wamsley, Ward, G., Westfall, Young, Zatezalo, Zukoff, and Tully: James "Big Jim" Shaffer Memorial Bridge	532	2452, 2529		2608		532, 2454, 2608, 2610
11 -	By Delegates Westfall, Wamsley, Keaton, Pinson, and Higginbotham: Thomas Brothers Memorial Bridge	562	2452, 2529		2608		564, 2454, 2608, 2610
12 -	By Delegate Hanshaw (Mr. Speaker): Charles E. Jarvis Memorial Bridge	586	1398, 1573		1648	2595	586, 1398, 1648, 1649
13 -	By Delegate Maynard: TEC 5 U. S. Army Donald "Tiny" Lucas Memorial Bridge	587	1089, 1176	2595	1235, 2595	2477, 2595	587, 1089, 1235
14 -	By Delegates J. Jeffries, Maynard, and Phillips: Proclaiming and making the fiddle the official musical instrument of the State of West Virginia	589					588
15 -	By Delegates J. Pack, and Rohrbach: Rare Disease Day	594			595	2526	595, 596
16 -	By Delegates Maynard, Jeffries, J., Rohrbach, Mandt, Bridges, Holstein, Mazzocchi, Lovejoy, Linville, Worrell, and Queen: PFC Franklin D. Frazier Memorial Road	611	1089, 1176		1235	2531	611, 1089, 1235
*17 -	By Delegate Holstein: U. S. Army SSG James C. Vickers Highway	631	1398, 1664		1694		631, 1398, 1694
18 -	By Delegate Westfall: Daniel Okey Cunningham Memorial Bridge	633	2452, 2529		2608		633, 2454, 2610
19 -	By Delegates J. Jeffries, Maynard, Graves, Pinson, Wamsley, Phillips, McGeehan, Toney, Hott, Smith, and Higginbotham: "U.S. Army Pvt. Dallis H. Johnson WWII Memorial Bridge."	635	1398, 2529		2609		635, 1398, 2609, 2610
20 -	By Delegates Steele, Pack, J., Toney, Gearheart, Smith, Bates, Kessinger, Haynes, Cooper, and Fast: Bill Withers Memorial Road	637	1627, 1661, 1776	2595	1786, 2596	2595	636, 1628, 1660, 1662, 1786, 1787, 2596

Number	SPONSOR(S) AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
21 -	By Delegates Evans, Pethel, Thompson, Bates, Griffith, Young, Barach, Hansen, Dean, Paynter, and Walker: SP4 Dennis Harvey Roberts Bridge, McDowell County	638	1628, 1662, 1889		2372		638, 1628, 1660, 1662, 2373,
*22 -	By Delegate Hanna: Bill O'Dell Memorial Bridge	720	1088, 1621		1694	2531	720, 1088, 1694
23 -	By Delegates Storch, Anderson, Barach, Barnhart, Bates, Booth, Bridges, Brown, Bruce, Clark, Conley, Diserio, Doyle, Ellington, Evans, Fast, Ferrell, Fleischauer, Fluharty, Forsh, Garcia, Gearheart, Graves, Griffith, Hansen, Higginbotham, Holstein, Hornbuckle, Horst, Hott, Jeffries, D., Jeffries, J., Jennings, Kelly, J., Kimes, Longanacre, Lovejoy, Mallow, Mandt, Martin, Miller, Nestor, Pack, J., Phillips, Pinson, Pritt, Pushkin, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Rowe, Skaff, Smith, Statler, Sypolt, Thompson, Walker, Wamsley, Ward, B., Ward, G., Williams, Worrell, Young, Zatezalo, and Zukoff: Declaring March 4, 2021 to be Sexual Assault Awareness Day in West Virginia.	761			762		761, 762
24 -	By Delegates Howell, (Mr., Hanshaw, Foster, and Westfall: Urging Congress to extend federal tax incentives to participants in Jumpstart Savings programs that are similar to those that are currently provided to participants in College Savings plans, pursuant to 26 U.S.C. §529	825	2523, 2586		2773	3055	825, 2523, 2773
25 -	By Delegate Westfall: William Edward Frieese Memorial Bridge	827	1398, 1573		1648	2531	826, 1398, 1648, 1649
26 -	By Delegates Westfall, and Queen: Victor Yoak Memorial Bridge	828	1398, 1573		1648, 2596	2596	828, 1398, 1649, 2596
27 -	By Delegate Pethel: Harvey Lemasters Memorial Bridge	854	1398, 1621		1694	2531	854, 1398, 1694
28 -	By Delegates Reed, Worrell, Barrett, Hardy, Forsh, and Horst: Paul J. Hofe Memorial Bridge	930	2452, 2529		2609		930, 1694, 2454, 2610

Number	SPONSOR(S) AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
29 -	<p>By Delegates Keaton, Barnhart, Booth, Bruce, Clark, Dean, Fast, Ferrell, Forsht, Graves, Hamrick, Hanna, Haynes, Higginbotham, Horst, Householder, Howell, Jeffries, D., Jeffries, J., Kessinger, Kimble, Linville, Longanacre, Mandt, Mazzocchi, Pack, L., Phillips, Pinson, Pritt, Queen, Reed, Riley, Smith, Steele, Summers, Sypolt, Wamsley, Ward, B., Ward, G., and Worrell:</p> <p>Applying to the Congress of the United States to call a convention of states</p>	932					932
30 -	<p>By Delegates Kessinger, Steele, Clark, Mazzocchi, Kimble, Higginbotham, Hott, Reynolds, Burkhammer, Westfall, and Wamsley:</p> <p>Requesting the Joint Committee on Government and Finance to study the importance of legislation prohibiting the state or its instrumentalities from contracting or otherwise doing business with entities involved in the Boycott, Divestment, and Sanctions Movement against Israel.</p>	935					935
31 -	<p>By Delegates Holstein, Graves, Higginbotham, Haynes, Ward, G., Gearheart, Martin, Reynolds, Bridges, Phillips, Kimble, Smith, Barnhart, Booth, Horst, Mallow, Forsht, Longanacre, Sypolt, Mazzocchi, Wamsley, Burkhammer, Keaton, Pritt, Cooper, Ferrell, Bruce, Conley, Worrell, Pack, J., Mandt, Steele, Foster, Kimes, Nestor, Jennings, Kelly, J., Toney, Espinosa, and Howell:</p> <p>Commending Former President Trump for his service, admiration and dedication to the state of West Virginia.</p>	936					936

Number	SPONSOR(S) AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
32 -	By Delegates Haynes, Anderson, Barach, Barnhart, Barrett, Bates, Boggs, Booth, Bridges, Brown, Bruce, Capito, Clark, Conley, Cooper, Criss, Dean, Diserio, Doyle, Ellington, Espinosa, Evans, Ferrell, Fleischauer, Fluharty, Forsht, Garcia, Graves, Griffith, Hamrick, Hanna, Hansen, Hardy, Higginbotham, Holstein, Horst, Hott, Householder, Howell, Jeffries, D., Jeffries, J., Jennings, Keaton, Kelly, D., Kelly, J., Kessinger, Kimes, Linville, Longanacre, Lovejoy, Mallow, Mandt, Martin, Maynard, Nestor, Pack, J., Pack, L., Paynter, Pethel, Phillips, Pinson, Pritt, Pushkin, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Rowe, Skaff, Smith, Statler, Storch, Summers, Sypolt, Thompson, Toney, Tully, Walker, Wamsley, Ward, B., Ward, G., Westfall, Williams, Worrell, Young, Zatezalo, and Zukoff: To name Gatewood Road in Fayette County as the “Senator Shirley Love Memorial Road.”	938	1089, 1186		1236	2531	938, 1089, 1236
33 -	By Delegates Householder, Linville, and Maynard: Norman A. and Carrie G. Silver Memorial Bridge	940	1398, 1573		1648	2531	940, 1398, 1648
34 -	By Delegates Young, Barach, Bates, Booth, Brown, Bruce, Clark, Conley, Diserio, Fleischauer, Fluharty, Forsht, Garcia, Griffith, Hansen, Holstein, Hornbuckle, Horst, Hott, Jeffries, J., Jennings, Kimble, Longanacre, Lovejoy, Mallow, Martin, McGeehan, Nestor, Pack, J., Phillips, Pinson, Pritt, Pushkin, Reed, Reynolds, Riley, Rohrbach, Rowan, Rowe, Skaff, Storch, Thompson, Ward, G., Williams, Worrell, and Zukoff: Declaring the “pepperoni roll” to be the official state food of West Virginia	941	1741, 2529		2608		941, 1741, 2585, 2608
35 -	By Delegates J. Pack, Barach, Barnhart, Bates, Dean, Fleischauer, Forsht, Griffith, Jeffries, D., Jennings, Longanacre, Mallow, Miller, Pack, L., Pushkin, Reed, Rohrbach, Rowan, Summers, Tully, Ward, G., and Walker: Requesting the Department of Health and Human Resources to continuously evaluate the child welfare system	974	974, 1091	2596	1167, 2597	2596	976, 1167, 2597

Number	SPONSOR(S) AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
36 -	By Delegates Conley, Mallow, Kimes, Horst, Longanacre, and Bruce: Censure Sen. Manchin	1040					1040
37 -	By Delegates Conley, Haynes, Horst, Mallow, Longanacre, Holstein, and Barnhart: Make WV a sanctuary state for the U.S. Constitution	1041					1041
38 -	By Delegates Zukoff, Thompson, Linville, Maynard, and Dean: "U.S. Marine Corps Sergeant David Andrew Green Memorial Bridge."	1045	1398, 1621	2597	1694, 2598	2597	1045, 1398, 2598
39 -	By Delegates B. Ward, Reynolds, Kelly, D., Pack, L., Haynes, Barnhart, and Jeffries, D.: Wilbur 'Webb' Lee Hahn and John William Hahn Memorial Bridge	1047					1047
40 -	By Delegates Linville, and Maynard: Guy Maywood Edwards Memorial Bridge	1050	2453, 2529		2609		1050, 2454, 2610
41 -	By Delegates Pinson, Wamsley, Burkhammer, Linville, Maynard, Higginbotham, Jeffries, D., Keaton, and Graves: Halstead Brothers WWII Veterans Memorial Bridge.	1051	2453, 2529		2609		1051, 2454, 2610
42 -	By Delegates Conley, Rohrbach, Kelly, J., Holstein, Anderson, Reynolds, Toney, Pack, J., Nestor, Hott, Pritt, Phillips, Skaff, Storch, Ward, B., Ward, G., Tully, Mallow, Longanacre, Keaton, Jeffries, J., Ferrell, Bruce, Booth, Barnhart, and Jennings: recognize all of our medical profession for their exemplary & heroic work under very difficult situations during this COVID-19 Pandemic	1055					1055
*43 -	By Delegates Toney, Pack, J., Rohrbach, Maynard, and Bates: U. S. Army CSM Hugh H. 'Smokey' Stover Memorial Road	1056	1628, 162, 1766		1786	2531	1056, 1628, 1660, 1662, 1787
44 -	By Delegates Gearheart, Smith, Ellington, Evans, Cooper, Toney, Paynter, and Pack, J.: Timothy Wayne Farley Memorial Bridge	1058	2453, 2529		2609		1058, 2454, 2610
45 -	By Delegate Linville: Guy Maywood Edwards Memorial Bridge	1060	2453				1060, 2454
46 -	By Delegates Linville, Maynard, and Jeffries, J.: U. S. Navy BMI Farris Burton Memorial Bridge	1093	2453, 2529		2609		1093, 2454, 2610
47 -	By Delegate Rowe: SP5 Terry Lee McClanahan Memorial Bridge	1096	2453, 2529		2609		1096, 2454, 2610

Number	SPONSOR(S) AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
48 -	By Delegates Forsht, and Espinosa: To balance the judicial workload and realign the current court systems based on their caseloads	1149	1574		1648		1149, 1648
49 -	By Delegates Rowe, Walker, Pushkin, Hansen, Fleischauer, and Hornbuckle: A resolution designating February 3 as Freedom Day to memorialize the February 3, 1865 Act by the Legislature that abolished slavery in West Virginia	1151					1151
50 -	By Delegate Higginbotham: Chief Warrant Officer 3 Daniel Okey Cunningham Bridge, Jackson County	1154					1154
51 -	By Delegates Cooper, Pack, J., and Longanacre: U.S. Army Private Elmo Davis Memorial Road	1195	2453, 2529		2609		1195, 2454, 2610
52 -	By Delegates G. Ward, Mallow, and Garcia: World War II Veterans Toothman Brothers Memorial Bridge	1197	1628, 1662, 2530		2609		1197, 1628, 1660, 1662, 2610
53 -	By Delegates Howell, Burkhammer, Cooper, Criss, Fast, Gearheart, Hamrick, Hanna, Hardy, Haynes, Hott, Householder, Jennings, Keaton, Kelly, D., Kelly, J., Linville, Martin, Maynard, Pack, J., Paynter, Phillips, Pinson, Pritt, Summers, Tully, Wamsley, and Holstein: President Donald J. Trump Highway	1199	2453				1199, 2454
54 -	By Delegates Sypolt, Hansen, Fleischauer, Walker, Statler, Williams, and Jennings: Robin W. Ames Memorial Road	1200	1628, 1662, 1766		1787		1200, 1628, 1660, 1662, 1787
*55 -	By Delegates Hamrick, and Ferrell: Studying the viability of creating a veterinary school in West Virginia	1202	1763, 1889		2373	4386	1202, 1764, 2373
56 -	By Delegates Hamrick, and Kimble: Create a resolution urging the FDA not to pass certain rules.	1203, 1574			1648		1203, 1648
57 -	By Delegates Toney, and Rowan: A resolution to establish a state bank of West Virginia.	1308					1308
58 -	By Delegate Holstein: Kohlton Red Haney Memorial Bridge	1310	2453, 2530		2609		1310, 2454, 2610
59 -	By Delegate Howell: Study state requirements for state employment	1312					1312
60 -	By Delegates Cooper, Haynes, and Pack, J.: Cpl. Billy F. Mann Memorial Bridge	1374	2453, 2530		2609		1374, 2454, 2610

Number	SPONSOR(S) AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
61 -	By Delegate Burkhammer: Rose V. Davis Forinash West, RN Memorial Bridge	1456					1456
62 -	By Delegate Mazzocchi: Major Samuel Wilson Rogers Jr. Memorial Bridge	1498	1628, 1662, 1766	2598	1787, 2598	2598	1498, 1628, 1660, 1662, 1787, 2598
63 -	By Delegate Barrett: "Mayor George Karos Bridge."	1499	1628, 1662, 1766		1787		1499, 1628, 1660, 1662, 1787
64 -	By Delegates Forsht, Bruce, Conley, Hardy, Horst, Householder, Kessinger, Longanacre, Mallow, Miller, Reed, and Zatezalo: Deputy Sheriff Scott D. Myers Memorial Bridge	1502	1628, 1662, 1766		1787		1502, 1628, 1660, 1662, 1787
65 -	By Delegate Holstein: Alex Perdue Memorial Bridge	1504					1504
66 -	By Delegates Rowe, Pushkin, Barach, Capito, Pritt, Young, Pack, L., Jeffries, D., Skaff, Graves, and Ferrell: Officer Cassie Johnson - Fallen Heroes Memorial Bridge	1555	2453, 2530		2609		1555, 2454, 2610
67 -	By Delegates Diserio, Garcia, Criss, Young, Barach, Rowan, Storch, Fluharty, Zukoff, Boggs, and Pethel: Roy E. Givens Memorial Road	1557	2453, 2530		2609		1557, 2454, 2610
68 -	By Delegate Hanshaw (Mr. Speaker), and Delegate Skaff [By Request of the Executive]: Providing for the issuance of not to exceed \$22 million of refunding bonds pursuant to the Safe Roads Amendment of 1996	1585	1665		1694	2823	1694
69 -	By Delegates Fleischauer, Anderson, Barach, Barnhart, Barrett, Bates, Boggs, Booth, Brown, Bruce, Capito, Cooper, Dean, Diserio, Doyle, Evans, Ferrell, Fluharty, Garcia, Griffith, Hamrick, Hansen, Hardy, Higginbotham, Hornbuckle, Jeffries, D., Jennings, Kelly, J., Linville, Longanacre, Lovejoy, Mallow, Mandt, Martin, Miller, Pack, L., Pethel, Phillips, Pushkin, Reed, Reynolds, Riley, Rohrbach, Rowan, Rowe, Skaff, Statler, Storch, Sypolt, Thompson, Toney, Tully, Walker, Wamsley, Ward, G., Williams, Young, and Zukoff: To create "The West Virginia Women's Suffrage Memorial" to be located on the Capitol grounds as a permanent reminder of the impact of the suffragists on West Virginia's past, present and future.	1587					1586

Number	SPONSOR(S) AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
70 -	By Delegates Howell, Hott, Bruce, Reed, Booth, Ferrell, Storch, Mazzocchi, Hamrick, Nestor, Worrell, Smith, and Longanacre: Calling for the construction of an licensed Off Highway Vehicle (OHV) vehicle semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side	1588	1664		1694		1694
71 -	By Delegates Fast, and Rowe: Doctor Enrique Aguilar Memorial Bridge	1589	2453, 2530		2609		1589, 2454, 2610
72 -	By Delegates Linville, and Boggs: David Allen Drake, Sr. Memorial Bridge	1629	1629, 1662, 1767		1787		1629, 1660, 1662, 1787
73 -	By Delegate Hanna: Joseph Allen Wyatt Intersection	1686					1686
74 -	By Delegate Mazzocchi: John B. Short Memorial Bridge, Logan County	1687					1688
75 -	By Delegates Boggs, and Doyle: U.S. Army Corporal Charles William "Bill" Knight Memorial Bridge	1688	2453, 2530		2609		1688, 2454, 2610
76 -	By Delegate Boggs: U.S. Navy Seaman 1st Class Byrne Lee Singleton Memorial Bridge.	1690	2453, 2530		2609		1690, 2454, 2610
77 -	By Delegates Cooper, and Pack, J.: Elmer Galford Memorial Road	1691	2453, 2530		2609		1691, 2454, 2610
78 -	By Delegates Toney, Howell, (Mr., Hanshaw, Rowan, Higginbotham, and Ellington: Requesting an examination of juvenile proceedings	1768	1768, 1890		2373		1768, 2373
79 -	By Delegates Phillips, Jennings, and Jeffries, J.: William M. and Louise F. Harman Memorial Bridge	1782					1782
80 -	By Delegates Reynolds, Toney, Jeffries, J., Booth, Jennings, Barnhart, Clark, Pack, L., Riley, Hanna, Conley, Ferrell, Householder, Howell, Kelly, J., Pack, J., Rohrbach, Smith, and Storch: Lance CPL Leonard Joe Zelaski Memorial Bridge	1785					1784
81 -	By Delegate Smith: Requesting Joint Committee on Government and Finance study the legal process for the collection and enforcement of delinquent taxes and lands	1906					1905
82 -	By Delegates Hott, Holstein, Ferrell, Wamsley, Riley, and Howell: To create a study resolution regarding an "Economic Opportunity Task Force."	1907					1907
83 -	By Delegate Boggs: John Calvin JC Baker Memorial Bridge	2370					2370

Number	SPONSOR(S) AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
*84 -	By Delegates Cooper, and Fleischauer: Requesting the Joint Committee on Government and Finance to study the declining population of military service veterans in West Virginia	2447	2447, 2640		2773	4386	2447, 2773, 2774
85 -	By Delegate Mallow: World War II Veterans Toothman Brothers Memorial Bridge	2495	2530		2610		2495, 2610
86 -	By Delegates D. Jeffries, Pack, L., Pinson, Tully, Reynolds, and Howell: Study the recruitment and retention of Health Care Workers in West Virginia	2496	2530		2608	4386	2496, 2585, 2608
87 -	By Delegate Howell: Study resolution regarding Courtesy Patrol submitting billing for reimbursement in certain instances	2498	2530		2608		2498, 2585, 2608
88 -	By Delegates D. Kelly, Howell, Ward, B., Pritt, and Nestor: Study reducing the costs of housing prisoners	2555					2555
89 -	By Delegates Storch, Booth, Ferrell, Reed, and Smith: To study our Convention and Visitors' Bureaus and tourism initiatives in the state of West Virginia.	2557					2557
*90 -	By Delegates Storch, Cooper, Dean, Evans, Gearheart, Hamrick, Haynes, Jeffries, J., Maynard, Paynter, Pethel, and Phillips: To study the commercial discrimination of producers of coal, gas, oil, carbon-based energy, and other products in the State of West Virginia	2559	2815				2559, 2815
91 -	By Delegate Phillips: To study considering methods of retaining native businesses	2601	2818		2878		1601, 2878
92 -	By Delegate Rowan: Requesting the Joint Committee on Government and Finance to study the incidences of elder abuse in nursing facilities and among in-home care providers	2603					2603
93 -	By Delegate Rowan: Requesting the Joint Committee on Government and Finance study ongoing issues relating to providing resources and processes to support and assist "Grandfamilies" caring for minor children in West Virginia	2603					2603
94 -	By Delegate Rowan: Requesting the Joint Committee on Government and Finance study and analyze the continued impact of human trafficking in West Virginia	2605					2605

Number	SPONSOR(S) AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
95 -	By Delegates Howell, Espinosa, Kessinger, Hamrick, Paynter, Steele, Martin, Pritt, Hott, Foster, and Smith: Requesting Joint Committee and Government and Finance study the effect losing a Congressional district would have on boards, commissions and others	2606	2816, 2979		3078		2606, 2817, 3078
96 -	By Delegates Storch, Bridges, Forsht, Howell, Kimes, Miller, Clark, Walker, Zukoff, and Young: To study childcare issues in this state.	2768					2768
97 -	By Delegate Barrett: To create a study resolution relating to attracting distribution centers to the state of West Virginia.	2770					2770
98 -	By Delegates J. Pack, Barach, Barnhart, Bates, Dean, Ferrell, Fleischauer, Forsht, Griffith, Jeffries, D., Mallow, Miller, Pack, L., Pushkin, Reed, Rohrbach, Rowan, Summers, Ward, G., and Walker: For West Virginias Public Employee Insurance Agency (PEIA) Finance Board to examine how they can enhance reimbursement rates to providers	2643	2643, 2818		2878	4386	2643, 2649, 2878
99 -	By Delegates J. Pack, Barach, Barnhart, Bates, Dean, Ferrell, Fleischauer, Forsht, Griffith, Jeffries, D., Mallow, Miller, Pack, L., Pushkin, Reed, Rohrbach, Rowan, Summers, Ward, G., and Walker: Requesting the Joint Committee on Government and Finance study childcare in the state of West Virginia	2645	2645, 2818		2878		2645, 2649, 2878
100 -	By Delegates J. Pack, Barach, Barnhart, Bates, Dean, Ferrell, Fleischauer, Forsht, Griffith, Jeffries, D., Mallow, Miller, Pack, L., Pushkin, Reed, Rohrbach, Rowan, Summers, Ward, G., and Walker: Requesting study on how Local Health Departments are funded and supported	2647	2647, 2818		2878	4386	2647, 2649, 2878, 2879
101 -	By Delegates J. Pack, Barach, Barnhart, Bates, Dean, Ferrell, Fleischauer, Forsht, Griffith, Jeffries, D., Mallow, Miller, Pack, L., Pushkin, Reed, Rohrbach, Rowan, Summers, Ward, G., and Walker: Requesting a study of the state’s laboratory needs and the utilization of private laboratories	2648	2648, 2818		2879	4386	2648, 2649, 2879, 3078
102 -	By Delegates Hamrick, Ward, B., Haynes, Ferrell, and Clark: A resolution to study attracting and retaining remote workers in West Virginia.	2877	3015		3078		2877

Number	SPONSOR(S) AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
103 -	By Delegates Clark, Ellington, Hanna, Higginbotham, Kimble, Longanacre, Tully, Griffith, Evans, and Thompson: Interim study to improve the education system in West Virginia	2818	2818, 2979		3078		2818, 3078
104 -	By Delegates Graves, Anderson, Barnhart, Booth, Bridges, Bruce, Burkhammer, Clark, Cooper, Criss, Dean, Ellington, Espinosa, Fast, Ferrell, Forsh, Foster, Gearheart, Hanna, Hardy, Haynes, Holstein, Horst, Hott, Householder, Howell, Jeffries, D., Jeffries, J., Jennings, Keaton, Kelly, J., Kessinger, Kimble, Kimes, Linville, Longanacre, Mallow, Mandt, Martin, Mazzocchi, McGeehan, Nestor, Pack, J., Paynter, Phillips, Pinson, Pritt, Reynolds, Rohrbach, Rowan, Smith, Statler, Steele, Storch, Summers, Sypolt, Tully, Wamsley, Ward, B., Ward, G., Worrell, Zatezalo, and Barrett: Providing for the expiration of certain emergency orders issued during the coronavirus pandemic declared on March 16, 2020 in West Virginia	2825			2879		2827, 2879
105 -	By Delegate Summers: Requesting the Joint Committee on Government and Finance study the current process of involuntary hospitalization, competency, and criminal responsibility of persons charged or convicted of certain crimes	3068	3241		3788		3068, 3788
106 -	By Delegate Summers: Requesting the Joint Committee on Government and Finance study the effect of empowering the West Virginia Sentencing Commission to study the effect of a criminal code rewrite	3070	3242		3788		3070, 3788
107 -	By Delegates Barnhart, Hanna, Keaton, Anderson, Ferrell, Ward, G., Haynes, Kelly, J., and Zatezalo: Requesting the Joint Committee on Government and Finance study alternative methods of recourse for delinquent court fees.	3779					3779
108 -	By Delegates Nestor, Pritt, Ferrell, Worrell, Reed, Linville, Bruce, Mandt, Mallow, Anderson, Holstein, Hott, and Longanacre: Study resolution regarding bleachers at Elkins High School	3780					3780

Number	SPONSOR(S) AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
109 -	By Delegates Nestor, Pritt, Ferrell, Anderson, Kelly, J., Longanacre, Reed, Linville, Reynolds, Wamsley, Bruce, Barnhart, Holstein, Hott, Mandt, Storch, Ward, G., Westfall, and Worrell: Study the use of property in Elkins for development of a multi-use property	3781					3781
110 -	By Delegates Skaff, Barach, Bates, Brown, Clark, Diserio, Doyle, Ellington, Evans, Fleischauer, Fluharty, Forst, Garcia, Griffith, Hansen, Higginbotham, Hornbuckle, Horst, Kimble, Lovejoy, Martin, Pushkin, Rowe, Walker, Wamsley, Ward, G., Williams, Young, and Zukoff: Requesting the Joint Committee on Government and Finance to study the fiscal impact on political subdivisions relating to elimination of certain taxes	3782					3782
111 -	By Delegates Nestor, Pritt, Ferrell, Reed, Phillips, Linville, Bruce, Mandt, Mallow, Anderson, Holstein, Hott, Longanacre, Reynolds, Westfall, and Worrell: Study resolution regarding the use of the track at the old Elkins high school	3783					3783
112 -	By Delegates Kimble, Barnhart, Bridges, Bruce, Conley, Cooper, Foster, Hanna, Holstein, Horst, Householder, Jennings, Kelly, J., Longanacre, Mallow, Martin, Maynard, Mazzocchi, McGeehan, Pack, J., Phillips, Pinson, Reed, Reynolds, Sypolt, Tully, Wamsley, Ward, G., and Worrell: Requesting the Joint Committee on Government and Finance study House of Representatives Bill 1814	3832					3832
113 -	By Delegate Hanshaw (Mr. Speaker): Extending the regular session of the Legislature, 2021	3833					3833
114 -	By Delegate Hanshaw (Mr. Speaker): Providing for an adjournment of the Legislature until May 10, 2021	3834					3834

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*Denotes Committee Substitute

Number	SPONSOR(S) AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
*1 -	By Delegates Kimble, Hanna, Jeffries, J., Hamrick, Horst, Smith, Clark, Espinosa, Ellington, Keaton, and Bruce: Education Accountability Amendment	247	424		517		247, 457, 475, 517, 519
2 -	By Delegates Anderson, Pack, L., Westfall, Howell, Kimble, Fast, Kelly, D., Jeffries, J., Pritt, Horst, and Phillips: Providing that courts have no authority or jurisdiction to intercede or intervene in, or interfere with, any impeachment proceedings of the House of Delegates or the Senate	247	291		655	4386	247, 333, 569, 573, 606, 609, 623, 654, 657
*3 -	By Delegates Mallow, Forsht, Wamsley, Clark, Barnhart, Kimes, Horst, Holstein, and Reed: Property Tax Modernization Amendment	248	1489,1760	1923, 1924, 2376	2374	4386	248, 1489, 1882, 1923, 2373, 2376
4 -	By Delegate Bates: State Apportionment Commission	248					248
5 -	By Delegates Fleischauer, Boggs, Pethel, and Hansen: Allowing citizens to participate directly in the formation of legislative districts	248					249
6 -	By Delegate Doyle: Requiring two-thirds vote of the Legislature to override a veto by the Governor amendment	249					249
7 -	By Delegate J. Jeffries: Requiring a two-thirds vote in each house of the Legislature to increase any tax or fee	249					249
8 -	By Delegates Linville, and Rohrbach: Giving the Legislature discretion in appropriating revenue generated from motor vehicle registrations and nongame wildlife motor vehicle registration plates	249					249
9 -	By Delegate McGeehan: Super-Majority Required for Passage of Tax Bill Amendment	250					250
10 -	By Delegate Howell: SENIOR CITIZEN HOMESTEAD VALUATION AMENDMENT	250					250
11 -	By Delegates Howell, Fleischauer, and Martin: Giving the Legislature more control over the manufacture and sale of alcohol amendment	250					250

Number	SPONSOR(S) AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
12 -	By Delegates Hansen, Fleischauer, Doyle, Young, Walker, Williams, Pushkin, and Barach: Natural Resources and the Public Estate Amendment	250					250
13 -	By Delegate Steele: Guaranteeing the right of the citizens of West Virginia to hunt and fish	251					251
14 -	By Delegates McGeehan, Jeffries, J., Fast, Paynter, Hanna, and Martin: Taxpayers Bill of Rights	267					267
15 -	By Delegates Steele, McGeehan, Howell, and Higginbotham: Disabled Veteran's Property Tax Exemption Amendment	267	1185				268, 1185
16 -	By Delegate Bates: Term Limits for Senators and Delegates in the West Virginia Legislature	268					268
17 -	By Delegates Foster, and Forsh: Manufacturing inventory and equipment tax exemption amendment	268					268
18 -	By Delegate Higginbotham: Relating to creating split legislative regular sessions	305					305
19 -	By Delegate Fast: Repealing the business and inventory ad valorem tangible personal property tax	374					374
20 -	By Delegates Scaff, and Zukoff: Allowing an elected state official to be a government employee or employee of a public school, college, or university	494					495
21 -	By Delegates Householder, Barrett, Hardy, Burkhammer, and Hanna: Resolution to amend the constitution to prevent and person from serving in the Office of Secretary of State, Auditor, Treasurer, Commissioner of Agriculture, or Attorney General for more than three consecutive terms.	495					495
22 -	By Delegates Mallow, Forsh, Bruce, Longanacre, and Conley: Increase Homestead exemption	534					534
23 -	By Delegates Haynes, Hardy, Mandt, Hanna, Hamrick, Wamsley, Burkhammer, Tully, Longanacre, Pack, J., and Maynard: Increase the homestead exemption from \$20,000 to \$40,000	596					596

Number	SPONSOR(S) AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
24 -	By Delegate Howell: Amend Constitution to exclude implied powers	721					721
25 -	By Delegates Hanna, Keaton, Haynes, Martin, Hamrick, Paynter, Mandt, Dean, Holstein, and Paek, L.: Lower the age to run for a State Senator to 21	763					763
26 -	By Delegate Higginbotham: Right to Hunt Amendment	830					830
27 -	By Delegates Doyle, Evans, Fleischauer, Zukoff, Young, Garcia, Williams, Griffith, Thompson, Hornbuckle, and Bates: State Redistricting Commission	942					942
28 -	By Delegates Forsh, Bruce, and Mallow: To amend the West Virginia Constitution to require experience for certain elected judges.	1097					1097
29 -	By Delegate Kimes: Reduce number of members in the West Virginia House of Delegates to 50 members and the West Virginia Senate to 17.	1155					1156
30 -	By Delegates Walker, Thompson, Pushkin, Evans, Griffith, Zukoff, Garcia, Young, Lovejoy, Rowe, and Bates: Amending the Constitution to provide for the right to food, food sovereignty and freedom from hunger	1156					1156

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*Denotes Committee Substitute

Number	SPONSOR(S) AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
1 -	By Delegate Hanshaw (Mr. Speaker): Adopting Rules of the House of Delegates	30			104	30
2 -	By Delegate Hanshaw (Mr. Speaker): Authorizing the publication of a Legislative Manual and authorizing payment of travel and other expenses of the House	104			105	104, 105
3 -	By Delegate Hanshaw (Mr. Speaker): Authorizing printing and distribution of Acts of the Legislature and Journals of the House of Delegates	105			106	105, 106
4 -	By Delegate Hanshaw (Mr. Speaker): Authorizing the appointment of employees for this, the First Regular Session of the Eighty-fifth Legislature, Two Thousand Twenty-one	106			111	106, 111
5 -	By Delegate Hanshaw (Mr. Speaker): Implementing pandemic safety procedures for the 2021 regular session	111			113	111, 112
6 -	By Delegate Mr. Speaker: Amending House Rules 104, 112 and 131, relating to the Delegate Console System	117			118	117, 118
7 -	By Delegates Holstein, Wamsley, Kimble, Mazzocchi, Barnhart, Hanna, Ferrell, Keaton, Mandt, Zatezalo, Bridges, Haynes, Horst, Longanacre, Sypolt, Ward, B., McGeehan, Dean, Jeffries, D., Jeffries, J., Conley, Maynard, and Mallow: A resolution condemning the “Defund the Police” movement	339				339
8 -	By Delegates Pushkin, Skaff, Williams, Boggs, Diserio, Zukoff, Young, Barach, Fluharty, Rowe, Lovejoy, Walker, Anderson, Barnhart, Barrett, Bates, Booth, Bridges, Brown, Bruce, Burkhammer, Capito, Clark, Conley, Cooper, Criss, Dean, Doyle, Ellington, Espinosa, Evans, Fast, Ferrell, Fleischauer, Forst, Foster, Garcia, Gearheart, Graves, Griffith, Hamrick, Hanna, Hansen, (Mr., Hanshaw, Hardy, Haynes, Higginbotham, Holstein, Hornbuckle, Horst, Hott, Householder, Howell, Jeffries, D., Jeffries, J., Jennings, Keaton, Kelly, D., Kelly, J., Kessinger, Kimble, Kimes, Linville, Longanacre, Mallow, Mandt, Martin, Maynard, Mazzocchi, McGeehan, Miller, Nestor, Pack, J., Pack, L., Paynter, Pethel, Phillips, Pinson, Pritt, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Smith, Statler, Steele, Storch, Summers, Sypolt, Thompson, Toney, Tully, Wamsley, Ward, B., Ward, G., Westfall, Worrell, and Zatezalo: Resolution to honor the life of Officer Cassie Johnson	994			996	994, 996

Number	SPONSOR(S) AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
9 -	By Delegate Pinson: Declaring National FFA Week in West Virginia	463			464	464
10 -	By Delegates Jennings, Hanna, Kelly, J., Pack, L., Ward, B., Jeffries, D., McGeehan, Smith, Westfall, Mallow, Horst, Anderson, Conley, Foster, Graves, Hott, Jeffries, J., Kimes, Nestor, Pack, J., Phillips, Pritt, Reynolds, Rohrbach, Steele, Storch, and Sybolt: Expressing the will of the House on the reopening of public schools for in-person learning	584				584
11 -	By Delegate L. Pack: Honoring Pregnancy Care Centers	584				584
12 -	By Delegates Higginbotham, Graves, and Linville: Celebrating the Ties between Taiwan and West Virginia	716				716
13 -	By Delegates Higginbotham, and Pack, L.: Resolution demanding that President Biden keep U. S. Embassy in Israel in Jerusalem	718				718
14 -	By Delegates Hanshaw (Mr. Speaker), and Skaff: Resolution on West Virginia's Energy Future	1039	1092		1167	1039, 1167
15 -	By Delegates Pushkin, and Walker: Relating to empowering the House Committee on the Judiciary to investigate allegations of impeachable offenses against West Virginia Attorney General Patrick Morrisey	1371				1371
16 -	By Delegate Sybolt: Urge Congress to allow vehicles traveling on interstate highways in West Virginia to have same maximum gross vehicle weight and axle configuration as currently permissible for vehicles traveling on U.S. routes in West Virginia	1455				1455
17 -	By Delegates Summers, Ellington, Rohrbach, and Pack, J.: Urging the President of the United States to appoint Dr. Rahul Gupta as the Director of the Office of National Drug Control	1553			1555	1555
18 -	By Delegates Reynolds, Bridges, Foster, Summers, Barnhart, Paynter, Criss, Toney, Conley, Rohrbach, Pack, J., Anderson, Cooper, Ferrell, Gearheart, (Mr., Hanshaw, Holstein, Horst, Jeffries, D., Jeffries, J., Keaton, Kelly, J., Linville, Phillips, Smith, Storch, Tully, Kimble, and Mandt: Recognizing the importance of coal-fired power plants and coal resources to WV's future	1646			1647	1646
19 -	By Delegate Hanshaw (Mr. Speaker): Amending House Rule 65, relating to the daily order of business	2552			2555	2552,2554
20 -	By Delegates Young, Barach, Boggs, Diserio, Doyle, Fleischauer, Fluharty, Garcia, Griffith, Hansen, Hornbuckle, Lovejoy, Pethtel, Pushkin, Rowe, Skaff, Thompson, Walker, Williams, and Zukoff: Condemning all forms of anti-Asian sentiment as related to COVID-19	1781				1781

Number	SPONSOR(S) AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
21 -	By Delegates Fleischauer, Pethtel, Hansen, Williams, Walker, Statler, Summers, Garcia, Ward, G., Mallow, Sypolt, Jennings, Barach, Barnhart, Bates, Boggs, Brown, Conley, Cooper, Diserio, Doyle, Evans, Fluharty, Griffith, Hamrick, Hanna, Hornbuckle, Lovejoy, Pushkin, Skaff, Smith, Young, Zatezalo, and Zukoff: Calling upon President to invoke Defense Production Act to employ the former Mylan Pharmaceuticals plant in Morgantown into production of vaccines, medications, and protective equipment.	1904				1901
22 -	By Delegate Howell: Calling for the construction of an licensed Off Highway Vehicle (OHV) vehicle semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side	2873	3015		3077	2873, 3077
23 -	By Delegates Thompson, Griffith, Barach, Young, and Pushkin: Urging members of the United States Congress to enact federal legislation granting statehood to the people of Washington, D.C.	2874				2874
*24 -	By Delegates Fleischauer, Pethtel, Hansen, Williams, Walker, Statler, Summers, Garcia, Ward, G., Mallow, Sypolt, Jennings, Barach, Barnhart, Bates, Boggs, Brown, Conley, Cooper, Diserio, Doyle, Evans, Fluharty, Griffith, Hamrick, Hanna, Hornbuckle, Lovejoy, Pushkin, Skaff, Smith, Young, Zatezalo, and Zukoff: Urging the Governor of West Virginia to form a task force regarding Mylan Pharmaceuticals plant in Morgantown	2873	3014		3077	2823, 3077
25 -	By Delegates Higginbotham, Graves, Linville, Espinosa, Pack, J., Skaff, and Howell: Support the signing of a Bilateral Trade Agreement (BTA) between the United States and the Republic of China (Taiwan)	3014	3014		3078	3078
26 -	By Delegate Linville: Requesting the Joint Committee on Government and Finance to study the extent to which the COVID-19 pandemic has revealed efficiencies and/or inefficiencies in the executive branch of government in West Virginia	3067	3242		3787	3067
27 -	By Delegate Linville: Requesting the Joint Committee on Government and Finance to study the extent to which various federal, state, and local entities have dedicated or appropriated real and financial resources to expanding and improving broadband access in West Virginia over the next year.	3076				3076

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*Denotes Committee Substitute

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*1 -	By Senators Takubo, Weld, Baldwin, Plymale, Stollings, Jeffries, Woelfel, Roberts, Maroney, Nelson, Romano, Grady, Woodrum, and Lindsay: Providing for parity of payment for telehealth services between service in-person and service provided through telehealth platform	529				529
*5 -	By Senators Rucker, Trump, Takubo, Maroney, and Swope: Relating to claims arising out of WV Consumer Credit and Protection Act (Chapter 61, Acts, Regular Session, 2021)	712	1144		1377	712, 1250, 1317, 1377, 1378, 1635, 1893
*7 -	By Senators Trump, Phillips, Takubo, Woodrum, and Swope: Limiting political activity by public employees	581	2655	2992		582, 2929, 2992, 3073
*9 -	By Senators Tarr, Weld, Jeffries, Phillips, Nelson, Takubo, Maroney, and Woodrum: Continuing Licensed Racetrack Modernization Fund (Chapter 122, Acts, Regular Session, 2021)	396, 1640	1334, 1516	1516	1560	396, 1486, 1516, 1560, 1893
10 -	By Senators Tarr, Weld, Jeffries, Phillips, Nelson, Takubo, Maroney, and Woodrum: Modifying racetrack licensing due date (Chapter 123, Acts, Regular Session, 2021)	396	1334		1560	397, 1486, 1517, 1560, 1561, 1893
*11 -	By Senators Rucker, Roberts, Takubo, Maroney, and Swope: Declaring work stoppage or strike by public employees to be unlawful (Chapter 207, Acts, Regular Session, 2021)	481, 759		580, 759	1560	481, 547, 569, 575, 623, 654, 760, 1014, 1401
*12 -	By Senators Maroney, Takubo, and Swope: Relating to local health department accountability (Chapter 213, Acts, Regular Session, 2021)	529, 818		570, 603	602	530, 570, 601, 603, 1014, 1257
*14 -	By Senators Rucker, Roberts, Takubo, Maroney, and Swope: Providing for additional options for alternative certification for teachers (Chapter 240, Acts, Regular Session, 2021)	530			603	531, 572, 603, 604, 816, 1015
*15 -	By Senators Rucker, Roberts, and Takubo: Relating generally to in-field master's degree	440				441
16 -	By Senators Romano, Caputo, Weld, Baldwin, Jeffries, Lindsay, Takubo, Maroney, and Hamilton: Providing continued eligibility for developmental disability services to dependents of military members	628	1625			629, 1625

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*34 -	By Senator Tarr: Creating exemption to state sales and use tax for rental and leasing of equipment (Chapter 246, Acts, Regular Session, 2021)	397, 3692	2650	2993, 3079	3078	397, 2812, 2829, 2979, 2993, 3078, 3079
*36 -	By Senator Tarr: Relating to WV Secondary School Activities Commission audits	1551				1552
39 -	By Senators Stollings, Caputo, Baldwin, Jeffries, Lindsay, Romano, Takubo, Phillips, Ihlenfeld, Hamilton, and Nelson: Prohibiting insurance coverage from requiring prior authorization for tests to stage cancer	979				979
*42 -	By Senators Woelfel, Weld, Stollings, Jeffries, and Lindsay: Creating Zombie Property Remediation Act of 2021 (Chapter 68, Acts, Regular Session, 2021)	582	1013, 1144		1378	582, 1013, 1250, 1317, 1378, 1635, 1893
*53 -	By Senators Sypolt and Roberts: Providing person criminally responsible for another's death may not be involved in burial arrangements	629				629
61 -	By Senators Sypolt, Jeffries, and Hamilton: Expanding Coyote Control Program through voluntary assessment on breeding cows	531	1631, 1632			531, 1631, 1632
*66 -	By Senators Sypolt, Hamilton, Stollings, Romano, Woodrum, Swope, Jeffries, and Phillips: Creating Voluntary WV Rifle Team Check-Off Program on hunting and fishing licenses	482				482
67 -	By Senators Sypolt, Stollings, Maroney, and Rucker: Relating to authority of Emergency Medical Services Advisory Council (Chapter 214, Acts, Regular Session, 2021)	554, 2361	1544, 1627		1695	554, 1618, 1627, 1656, 1694, 1695, 2520, 2980
69 -	By Senators Rucker, Roberts, Sypolt, Grady, Martin, Woodrum, Swope, Phillips, and Maroney: Creating "Choose Life" special registration plate supporting adoption	482	1661			482, 1660, 1661
78 -	By Senator Trump: Relating to rehabilitative spousal support (Chapter 92, Acts, Regular Session, 2021)	397	2360		2610	397, 2503, 2568, 2610, 3074, 4387
*79 -	By Senators Trump and Woelfel: Providing fair mechanism for adjudication of requests for relocation of parent with child	554				554
*80 -	By Senators Trump and Swope: Allowing for administration of certain small estates by affidavit and without appointment of personal representative (Chapter 116, Acts, Regular Session, 2021)	610	1892		2561	610, 2500, 2560, 2561, 2934

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*81 -	By Senator Trump: Relating generally to WV Uniform Trust Code (Chapter 117, Acts, Regular Session, 2021)	397	1892		2561	398, 2414, 2500, 2561, 2567, 2934, 4387
89 -	By Senators Roberts and Rucker: Exempting certain kindergarten and preschool programs offered by private schools from registration requirements (Chapter 49, Acts, Regular Session, 2021)	554, 1368, 2588	920	1069, 1111, 1368, 2588, 2592	1111, 1368, 2592	555, 1006, 1068, 1111, 1112, 1368, 1635, 2587, 2593, 3074, 4387
*102 -	By Senators Stollings, Caputo, Baldwin, Ihlenfeld, Lindsay, Romano, Maroney, Hamilton, and Phillips: Allowing disabled veterans and purple heart recipients park free at paid parking of state or its political subdivisions	760	1625			760, 1625
*126 -	By Senator Sypolt: Authorizing Department of Administration to promulgate legislative rules (Chapter 171, Acts, Regular Session, 2021)	398			1066	398, 851, 965, 1005, 1066, 1067, 1189, 1494
140 -	By Senator Sypolt: Division of Rehabilitation Services rule relating to Ron Yost Personal Assistance Services Act Board	398				398
*156 -	By Senator Sypolt: Authorizing Department of Homeland Security to promulgate legislative rules (Chapter 172, Acts, Regular Session, 2021)	399, 1583	1256	1473	1505	399, 1389, 1473, 1505, 1506, 1664, 2454
*160 -	By Senator Sypolt: Authorizing Department of Revenue to promulgate legislative rules (Chapter 173, Acts, Regular Session, 2021)	712, 1583	1256, 1507	1475, 1485	1506	714, 1389, 1475, 1508, 1664, 2454
*182 -	By Senator Sypolt: Authorizing miscellaneous agencies and boards to promulgate legislative rules (Chapter 174, Acts, Regular Session, 2021)	552, 1583	1256, 1509	1475	1508	557, 1389, 1475, 1508, 1511, 1665, 2454
*216 -	By Senator Sypolt: Authorizing Department of Commerce to promulgate legislative rules (Chapter 175, Acts, Regular Session, 2021)	426, 1092	704	993	992	426, 753, 849, 912, 958, 961, 992, 993, 994, 1188, 1257
*231 -	By Senators Takubo, Stollings, Maroney, Lindsay, Caputo, Romano, and Woelfel: Relating generally to medical cannabis	2477				2478
*244 -	By Senators Martin, Nelson, and Swepe: Making it unlawful for public utility to prohibit customers from hiring contractors to construct, install, or maintain connections to public utility	531				531
248 -	By Senator Maynard: Requiring DHHR collaborate with Workforce Development Board and WV Division of Personnel for purposes of job placement	712	1630			714, 1630

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*263 -	By Senators Hamilton, Phillips, Romano, Woodrum, Caputo, and Lindsay: Permitting online raffles to benefit charitable and public service organizations (Chapter 124, Acts, Regular Session, 2021)	818, 3952	2450	2614- 2619, 3953	2774, 3953	819, 2572, 2614, 2774, 2775, 3954, 4378, 4388
*270 -	By Senators Maynard and Woodrum: Providing for collection of tax by hotel marketplace facilitators (Chapter 247, Acts, Regular Session, 2021)	570	625		957	570, 750, 804, 811, 915, 957, 1148, 1401
*272 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Relating to WV Employment Law Worker Classification Act (Chapter 167, Acts, Regular Session, 2021)	558, 1092		997, 998, 999	1000	558, 606, 609, 915, 961, 997, 1000, 1188
*275 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Relating generally to WV Appellate Reorganization Act of 2021 (Chapter 80, Acts, Regular Session, 2021)	558, 2526	922, 1634, 1802- 1878, 1909		1909	562, 922, 1736, 1802, 1878, 1908, 1913, 2586, 3056
*277 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Creating COVID-19 Jobs Protection Act (Chapter 1, Acts, Regular Session, 2021)	462, 1092	577	962, 964, 1001	1000	462, 621, 623, 915, 962, 1000, 1002, 1189, 1494
*280 -	By Senators Takubo, Plymale, Nelson, Woelfel, Jeffries, and Lindsay: Relating to e-commerce modernization (Chapter 224, Acts, Regular Session, 2021)	482	705		865	482, 806, 843, 865, 1148, 1401
*293 -	By Senators Maynard and Martin: Clarifying that Economic Development Authority is not authorized to enter into banking contracts without State Treasurer approval	483				483
*294 -	By Senators Phillips, Jeffries, and Hamilton: Relating generally to savings and investment programs offered by state (Chapter 128, Acts, Regular Session, 2021)	924, 2975	1680, 2451	2619	2775	925, 1680, 2572, 2619, 2775, 4377, 4388
*295 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Relating generally to economic development loans and loan insurance issued by state (Chapter 47, Acts, Regular Session, 2021)	483, 1193, 1550	916	1071, 1112	1112	485, 1006, 1069, 1112, 1114, 1777
296 -	By Senator Sypolt: Relating generally to repealing certain rules (Chapter 176, Acts, Regular Session, 2021)	562	814		1002	563, 912, 964, 1002, 1188, 1494

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*297 -	By Senators Woodrum, Plymale, and Hamilton: Relating generally to modernizing Board of Treasury Investments (Chapter 129, Acts, Regular Session, 2021)	1368, 2975	2452	2776	2776	1369, 2572, 2620, 2776, 2777, 4377, 4388
*303 -	By Senator Maynard: Creating Local Government Labor and Consumer Marketing Regulatory Limitation Act	1369				1369
305 -	By Senators Tarr, Karnes, Swope, Nelson, Rucker, Plymale, and Woelfel: Providing exemption from consumers sales and service tax for certain aircraft maintenance (Chapter 248, Acts, Regular Session, 2021)	925	1335		1561	925, 1486, 1517, 1561, 1893, 2586
307 -	By Senators Weld, Phillips, Stollings, Nelson, Rucker, Romano, and Plymale: Relating generally to in-state tuition rates for certain persons (Chapter 154, Acts, Regular Session, 2021)	2361	2523		2777	2361, 2572, 2620, 2777, 4377, 4388
308 -	By Senators Weld, Ihlenfeld, and Jeffries: Modifying requirement that racetrack participate in WV Thoroughbred Development Fund by certain date	629				629
311 -	By Senator Weld: Relating to acquisition and disposition of property by urban development authority	714				714
*314 -	By Senators Jeffries, Phillips, Weld, and Lindsay: <u>Regulating pawnbrokers</u>	1093	2643			1093, 2813, 2829
*318 -	By Senators Karnes, Takubo, and Roberts: Relating generally to public notice of unclaimed property held by State Treasurer (Chapter 118, Acts, Regular Session, 2021)	1307, 3954, 4369	2522	2620-2623, 2778	2777	1307, 2523, 2572, 2620, 2777, 2778, 4378, 4388
*321 -	By Senator Weld: Clarifying and updating language regarding Fairmont State alumni license plates	629				630
*332 -	By Senators Karnes, Grady, Smith, Rucker, Phillips, and Woodrum: Providing procedure for WV to select delegates to Article V Convention	819	2932	3080-3083	3083	819, 2932, 2994, 3079, 3083, 3084
*334 -	By Senators Tarr and Grady: Establishing license application process for needle exchange programs (Chapter 215, Acts, Regular Session, 2021)	979, 4293	2528, 2830	3084, 3093, 3095, 3096, 4293-4294	3095, 4295	980, 2525, 2830, 2994, 3084, 3096, 4295, 4378, 4487
*335 -	By Senators Nelson, Grady, Unger, Romano, Hamilton, Martin, Stollings, and Baldwin: Relating to WV Invests Grant Program for students at accredited community and technical college (Chapter 155, Acts, Regular Session, 2021)	2478	2640		2981	2479, 2813, 2884, 2980, 2981, 4372, 4487

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
338 -	By Senators Maynard, Stollings, Jeffries, Caputo, and Phillips: Creating Fire Service Equipment and Training Fund (Chapter 130, Acts, Regular Session, 2021)	630	814		1002	630, 814, 912, 964, 1002, 1003, 1188, 1484
*339 -	By Senators Sypolt, Smith, Woodrum, and Rucker: Expanding types of agricultural operations that are protected from nuisance and other legal actions	980	1631			980, 1631
*343 -	By Senators Weld, Smith, Ihlenfeld, Grady, and Jeffries: Authorizing DMV to process online driver's license or identification card change of address (Chapter 181, Acts, Regular Session, 2021)	925	2521		2779	925, 2572, 2625, 2778, 2779, 4377, 4388
*344 -	By Senators Weld, Woelfel, Plymale, Lindsay, Nelson, Baldwin, Maroney, and Jeffries: Relating to credit for qualified rehabilitated buildings investment (Chapter 249, Acts, Regular Session, 2021)	980, 4370	3015, 3789	3207-3212	3788	980, 3015, 3207, 3788, 3789, 4378, 4387
*345 -	By Senators Weld, Roberts, Ihlenfeld, and Unger: Expanding alcohol test and lock program to include offenders with drug-related offense (Chapter 266, Acts, Regular Session, 2021)	819			820	820, 821, 1015, 1257
*346 -	By Senators Weld, Smith, Ihlenfeld, Nelson, and Jeffries: Authorizing DMV use electronic means when providing notice for licensees and vehicle owners (Chapter 182, Acts, Regular Session, 2021)	1193	1890		2562	1193, 1891, 2414, 2501, 2562, 2821, 4387
*356 -	By Senators Grady, Stollings, Karnes, and Roberts: Allowing for written part of drivers' exam given in high school drivers' education course (Chapter 183, Acts, Regular Session, 2021)	761	1542		1695	761, 1618, 1656, 1695, 1696, 2520, 2980
358 -	By Senators Tarr and Nelson: Removing prohibition on ATMs located in area where racetrack video lottery machines are located (Chapter 125, Acts, Regular Session, 2021)	630			840	631, 750, 805, 840, 841, 1015, 1257
359 -	By Senators Sypolt, Stollings, Woodrum, Nelson, Baldwin, and Roberts: Informing landowners when fencing that may contain livestock is damaged due to accident (Chapter 267, Acts, Regular Session, 2021)	714, 3075	1631, 2360	2610, 2611, 3075	2611, 3075	715, 1631, 2503, 2568, 2611, 3076, 4379, 4387
*360 -	By Senators Stover, Roberts, and Ihlenfeld: Allowing poll workers to work full and half days	2362				2362

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*361 -	By Senators Grady, Woelfel, Ihlenfeld, Plymale, Phillips, Smith, Trump, Roberts, Karnes, Rucker, Lindsay, Azinger, and Woodrum: Extending supervision for conviction of soliciting minor and using obscene matter with intent to seduce minor (Chapter 50, Acts, Regular Session, 2021)	1666	2451		2779	1666, 2573, 2623, 4377, 4387
*368 -	By Senators Swope, Stollings, Plymale, Phillips, Woelfel, Smith, Baldwin, and Jeffries: Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program (Chapter 112, Acts, Regular Session, 2021)	851, 4370	2522, 2650	3212-3240, 3790	3789	852, 2522, 2813, 2829, 3212, 3789, 3790, 3791, 4379, 4388
*370 -	By Senator Swope: Requiring certain documents that contain wage records be considered confidential	981	1630			981, 1631
372 -	By Senators Maroney, Grady, Weld, Rucker, Azinger, Stover, Woodrum, Roberts, Stollings, Unger, Lindsay, and Plymale: Providing greater discretion to WV Board of Medicine to approve graduate clinical training (Chapter 194, Acts, Regular Session, 2021)	563, 978	702	843, 866	865	563, 806, 843, 865, 866, 978, 979, 1188, 1494
374 -	By Senator Maynard: Increasing threshold for bid requirement to \$10,000 to be consistent with other state agencies (Chapter 131, Acts, Regular Session, 2021)	631	1891		2562	631, 2414, 2501, 2563, 2934, 4387
*375 -	By Senators Rucker and Maroney: Relating to county boards of education policies for open enrollment (Chapter 95, Acts, Regular Session, 2021)	926, 2871	1890, 2563	2501, 2871	2563, 2872	926, 2414, 2501, 2563, 2564, 2872, 4372, 4387
376 -	By Senators Clements, Swope, Plymale, and Jeffries: Removing obsolete provisions regarding DOH standards for studded tires and chains (Chapter 268, Acts, Regular Session, 2021)	926	2521		2779	926, 2573, 2623, 2779, 2780, 4377, 4388
*377 -	By Senator Takubo: Relating to extension for boil water advisories by water utility or public service district (Chapter 216, Acts, Regular Session, 2021)	631	1541, 2360		2611	631, 1541, 2503, 2568, 2611, 2612, 3074, 4389
381 -	By Senators Hamilton, Stover, Woodrum, Lindsay, Caputo, Roberts, Clements, Phillips, Woelfel, Stollings, Romano, Beach, Grady, and Jeffries: Creating nonresident three-day fishing license	852	1743			852, 1743
*383 -	By Senators Trump and Phillips: Relating to exempting certain organizations from property taxation	981				982

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*387 -	By Senator Maroney: Relating to drug screening of applicants for cash assistance (Chapter 159, Acts, Regular Session, 2021)	761, 3055	2527	2795	2881	761, 2639, 2795, 2796, 2881, 2882, 4372, 4388
*389 -	By Senator Swope: Relating to State Resiliency Office responsibility to plan for emergency and disaster response, recovery, and resiliency (Chapter 132, Acts, Regular Session, 2021)	715, 2652	1624, 1891	2564	2564	715, 1625, 2414, 2501, 2564, 2565, 2652, 2934, 4387
390 -	By Senators Maroney and Stollings: Reorganizing Health Care Authority under DHHR and clarifying responsibilities for all-payer claims database (Chapter 133, Acts, Regular Session, 2021)	926, 2362	1541		1696	927, 1618, 1656, 1696, 2521, 2980
391 -	By Senators Maroney, Roberts, Woelfel, Rucker, Grady, Stollings, and Romano: Relating to study of child protective services and foster care workforce	1370			2882	1370, 2882
*392 -	By Senators Hamilton, Lindsay, Baldwin, and Romano: Creating penalty for impersonating law-enforcement officer or official (Chapter 83, Acts, Regular Session, 2021)	715, 3055	2517	2796	2882	715, 2573, 2623, 2796, 2882, 4372, 4387
*395 -	By Senator Maroney: Expanding PEIA Finance Board membership	1583				1583
396 -	By Senators Azinger, Caputo, Grady, Karnes, Lindsay, Maynard, Phillips, Romano, Smith, Stover, Weld, Woodrum, and Trump: Providing limitations on nuisance actions against fire department or EMS fixed sirens	582	1325			582, 1325
397 -	By Senator Maroney: Relating to health care provider tax (Chapter 250, Acts, Regular Session, 2021)	927, 2975	2524	2780	2780	927, 2573, 2623, 2780, 2781, 4377, 4387
*398 -	By Senator Maroney: Limiting eligibility of certain employers to participate in PEIA plans (Chapter 134, Acts, Regular Session, 2021)	1584, 3954	2820	2995	3097	1584, 2929, 2994, 3097, 4379, 4387
*401 -	By Senator Nelson: Relating to WV Consumer Credit and Protection Act (Chapter 62, Acts, Regular Session, 2021)	1901	2518		2781	1901, 2573, 2623, 2781, 4378, 4388
404 -	By Senators Smith, Ihlenfeld, Lindsay, Jeffries, and Hamilton: Modifying well work permits issued by DEP Office of Oil and Gas (Chapter 113, Acts, Regular Session, 2021)	927, 1494	1085	1313	1313	927, 1175, 1249, 1313, 1550, 1777
*419 -	By Senators Sypolt, Woodrum, Maynard, Phillips, and Rucker: Redefining "firearm" to match federal code (Chapter 275, Acts, Regular Session, 2021)	1777, 4367	2643	2884-2888	2981	1777, 2813, 2884, 2981, 2982, 4379, 4388

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*421 -	By Senators Tarr, Roberts, and Woodrum: Authorizing Workforce West Virginia to hire at-will employees (Chapter 135, Acts, Regular Session, 2021)	927	1891		2565	927, 2415, 2501, 2565, 2934, 4387
*422 -	By Senator Trump: Establishing common law "veil piercing" claims not be used to impose personal liability	1495				1495
424 -	By Senators Karnes and Unger: Creating fixed income credit for low-income senior citizens	2479				2479
*429 -	By Senators Weld, Stollings, Maroney, and Woodrum: Exempting Division of Emergency Management from Purchasing Division requirements for certain contracts (Chapter 136, Acts, Regular Session, 2021)	928	1891		2565	928, 1679, 2415, 2501, 2565, 2566, 2821, 4387
*431 -	By Senators Weld and Woelfel: Relating to school attendance notification requirements to DMV (Chapter 184, Acts, Regular Session, 2021)	1370	1542		1697	1370, 1618, 1656, 1696, 1697, 2520, 2980
*434 -	By Senators Woelfel, Stollings, Caputo, Grady, and Lindsay: Requiring training for law-enforcement officers responsible for investigating crimes of sexual assault (Chapter 195, Acts, Regular Session, 2021)	852	2518		2782	852, 2573, 2624, 2781, 2782, 4378, 4388
*435 -	By Senators Roberts and Karnes: Requiring county superintendents to authorize certain school principals or administrators at nonpublic schools to issue work permits for enrolled students (Chapter 168, Acts, Regular Session, 2021)	928	1542		1697	928, 1618, 1656, 1697, 2520, 2980
*436 -	By Senator Rucker: Relating generally to solid waste facilities	1640				1640
437 -	By Senators Maroney, Plymale, and Woelfel: Extending contingent increase of tax rate on certain eligible acute care hospitals (Chapter 251, Acts, Regular Session, 2021)	1148	1576, 2358		2612	1148, 2503, 2568, 2612, 3074, 4387
*439 -	By Senators Swope, Roberts, and Rucker: Allowing use or nonuse of safety belt as admissible evidence in civil actions (Chapter 2, Acts, Regular Session, 2021)	982, 2872		2499, 2872	2500, 2873	983, 1658, 2357, 2414, 2499, 2500, 2873, 2931, 4372, 4387
456 -	By Senator Nelson: Relating to Natural Resources Police Officers Retirement System	983				983
*458 -	By Senators Phillips, Smith, Karnes, Rucker, Grady, Roberts, Azinger, Woodrum, and Maynard: Relating to possession of firearms by individuals during state of emergency (Chapter 276, Acts, Regular Session, 2021)	1777, 4367	2643	1888-2890	2982	1777, 2813, 2888, 2982, 4379, 4387

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
459 -	By Senators Nelson, Azinger, Clements, Karnes, Lindsay, Plymale, and Trump: Relating to return of member's paid contributions to heirs after member's death under certain circumstances (Chapter 69, Acts, Regular Session, 2021)	610	757		757	611, 757, 758, 1014, 1257
*460 -	By Senators Nelson, Phillips, and Stollings: Relating to Deputy Sheriff Retirement System Act (Chapter 70, Acts, Regular Session, 2021)	983, 2975	1632, 2452	2782	2782	983, 1632, 2573, 2624, 2782, 2783, 4372, 4388
463 -	By Senator Azinger: Consolidating position of Inspector General of former Workers' Compensation Fraud and Abuse Unit and position of Director of Insurance Fraud Unit (Chapter 161, Acts, Regular Session, 2021)	852	1891	2624-2627	2566	853, 2415, 2502, 2566, 2934, 4387
*464 -	By Senators Plymale, Beach, Woelfel, Stollings, and Baldwin: Requiring composting of organic materials and commercial composting products comply with WV Fertilizer Law (Chapter 114, Acts, Regular Session, 2021)	2479	2829		3098	2479, 2830, 2995, 3098, 4379, 4388
*466 -	By Senator Maynard: Relating generally to appraisal management companies (Chapter 196, Acts, Regular Session, 2021)	1038	2521		2783	1038, 2573, 2627, 2783, 4372, 4387
467 -	By Senators Nelson, Phillips, and Stollings: Relating to WV Municipal Police Officers and Firefighters Retirement System	984				984
*469 -	By Senators Maynard, Stollings, Rucker, and Woodrum: Permitting and establishing requirements for appearance by video for purpose of notarial acts (Chapter 236, Acts, Regular Session, 2021)	929	1185		1459	929, 1320, 1387, 1458, 1459, 1636, 2360
*470 -	By Senators Woelfel, Ihlenfeld, Rucker, Lindsay, Caputo, Romano, and Woodrum: Limiting release of certain personal information maintained by state agencies (Chapter 208, Acts, Regular Session, 2021)	2362, 4296	2656, 4293-4298	3098, 3099	3100, 4299	2363, 2929, 2995, 3100, 3101, 4299, 4379
*472 -	By Senator Maynard: Updating criteria for regulating certain occupations and professions (Chapter 197, Acts, Regular Session, 2021)	1194, 2652	1891	2502	2506	1194, 1195, 2415, 2502, 2566, 2567, 2652, 2934, 4387
*474 -	By Senators Clements, Swope, Stollings, Roberts, Romano, and Plymale: Exempting DOH from Purchasing Division procedures	1739				1739

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*475 -	By Senator Tarr: Dedicating certain fees collected by Division of Labor to General Revenue Fund	1038				1038
*478 -	By Senators Weld and Romano: Permitting use of established federal marketplace programs to purchase supplies (Chapter 227, Acts, Regular Session, 2021)	1584, 4299, 4369	2816	2996-2998	3101	1584, 2929, 2996, 3101, 4379, 4388
*479 -	By Senators Weld, Lindsay, Stollings, and Romano: Relating to WV veterans service decoration and WV Service Cross (Chapter 274, Acts, Regular Session, 2021)	1584, 2975	2521	2628	2783	1584, 2573, 2627, 2783, 2784, 4372, 4387
*483 -	By Senator Weld: Allowing oaths be taken before any person authorized to administer oaths (Chapter 119, Acts, Regular Session, 2021)	1667	2451		2882	1667, 2574, 2628, 2796, 2882, 2883, 4372, 4387
*485 -	By Senators Weld, Woelfel, and Woodrum: Relating to use or presentation of firearm during commission of felony	2479, 4340	2820	2999	3101	2480, 2929, 2998, 3101, 3102, 4341
486 -	By Senators Swope, Roberts, Smith, Plymale, and Woodrum: Relating to powers and duties of Chief Technology Officer (Chapter 137, Acts, Regular Session, 2021)	2363	2641		2982	2363, 2813, 2891, 2982, 2983, 4373, 4387
*487 -	By Senators Swope and Plymale: Updating Division of Purchasing procurement and spending thresholds	1667				1667
488 -	By Senators Maynard and Woodrum: Relating to distributing hotel occupancy tax to convention and visitor's bureaus (Chapter 71, Acts, Regular Session, 2021)	1901	2641		2983	1901, 2813, 2891, 2983, 4373, 4387
490 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Supplemental appropriation from General Revenue to Department of Veterans' Assistance	2599				2599
*492 -	By Senators Smith and Phillips: Establishing program for bonding to reclaim abandoned wind and solar generation facilities (Chapter 115, Acts, Regular Session, 2021)	2364, 4371	2528	3791-3802	3802	2365, 2639, 2813, 2891, 2999, 3073, 3241, 3791, 3804, 4379, 4388
494 -	By Senator Azinger: Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund (Chapter 138, Acts, Regular Session, 2021)	1149	2451		2784	1149, 2574, 2629, 2784, 4373, 4388
496 -	By Senator Weld: Relating to punishment for second or third degree felony (Chapter 84, Acts, Regular Session, 2021)	1149	2518		2883	1149, 2574, 2629, 2796, 2883, 4373, 4387

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*500 -	By Senators Weld, Lindsay, Clements, and Romano: Prohibiting intimidation and retaliation against public officers and employees, jurors, and witnesses	1307				1307
501 -	By Senators Hamilton, Stover, Woodrum, Lindsay, and Jeffries: Continuing and indexing of license and stamp fees	853	1742			853, 1742
*502 -	By Senators Hamilton, Stover, Woodrum, Ihlenfeld, Lindsay, Smith, Romano, Jeffries, and Grady: Providing lifetime hunting, fishing, and trapping license to residents, adopted, and foster children under 15 (Chapter 192, Acts, Regular Session, 2021)	1370	1742, 2649		3102	1371, 1742, 2813, 2891, 2999, 3102, 4379, 4388
*508 -	By Senator Woodrum: Relating to public records management and preservation	2365				2365
*509 -	By Senator Trump: Removing requirement that determination of medical stability be found prior to admission to mental health facility	1685	2528, 2817			1686, 2528, 2929, 2979
*514 -	By Senators Smith, Takubo, Hamilton, Woelfel, and Jeffries: Providing criteria for Natural Resource Commission appointment and compensation (Chapter 139, Acts, Regular Session, 2021)	1149	2360		2613	1149, 2503, 2568, 2612, 2613, 3074, 4387
*517 -	By Senators Sypolt and Roberts: Relating to sunset provisions of legislative rules (Chapter 140, Acts, Regular Session, 2021)	1038, 1667	1393	1567, 1592	1592	1039, 1537, 1567, 1592, 1593, 1893, 2586
*518 -	By Senator Rucker: Relating to grounds for administrative dissolution of certain companies, corporations, and partnerships (Chapter 6, Acts, Regular Session, 2021)	1308	2360		2613	1308, 2503, 2571, 2613, 3074, 4387
521 -	By Senator Rucker: Extending licensure renewal term of certain private investigators, security guards, and associated firms (Chapter 198, Acts, Regular Session, 2021)	1778	2641		2984	1778, 2813, 2891, 2984, 4373, 4387
523 -	By Senator Maynard: Correcting improper code references (Chapter 234, Acts, Regular Session, 2021)	1195			1387	1195, 1318, 1378, 1387, 1635, 1893
529 -	By Senator Maynard: Correcting improper citation relating to DMV registration (Chapter 185, Acts, Regular Session, 2021)	1195	1661, 2641		2984	1195, 1661, 2813, 2891, 2984, 4373, 4387
*530 -	By Senator Tarr: Establishing causes for revocation, cancellation, or suspension of business registration certificate	2365				2365
531 -	By Senator Tarr: Relating to incomplete, duplicative, or redundant claims for refund	1495				1495

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
532 -	By Senator Tarr: Limiting claims for state tax credits and rebates (Chapter 252, Acts, Regular Session, 2021)	1495, 3954	2820	2999	3103	1496, 2930, 2999, 3102, 3103, 4379, 4387
*534 -	By Senators Tarr, Plymale, Nelson, and Stollings: Permitting Economic Development Authority to make working capital loans from revolving loan fund capitalized with federal grant funds (Chapter 94, Acts, Regular Session, 2021)	1778, 4367	2650, 2891-2902, 2985		2984	1778, 2813, 2891, 2984, 2985, 4379, 4388
537 -	By Senators Azinger, Beach, Caputo, Grady, Karnes, Lindsay, Maynard, Phillips, Romano, Rucker, Smith, Weld, Woelfel, Woodrum, and Trump: Relating generally to kidnapping (Chapter 85, Acts, Regular Session, 2021)	853	2656		3103	853, 2930, 2999, 3103, 3104, 4379, 4388
*542 -	By Senators Phillips, Caputo, and Woodrum: Relating generally to public electric utilities and facilities fuel supply for existing coal-fired plants (Chapter 110, Acts, Regular Session, 2021)	2480, 2955	2816	3104-3107, 3108	3107, 3955	2480, 2930, 3000, 3003, 3104, 3108, 3955, 4379, 4388
*543 -	By Senators Grady, Phillips, Smith, Caputo, Roberts, Beach, Clements, Romano, Lindsay, Unger, Woodrum, and Jeffries: Establishing Chuck Yeager Mountain State Medal of Excellence	2366				2366
*550 -	By Senators Woodrum, Roberts, Romano, Lindsay, and Stollings: Providing counties with authority to impose county sales and use tax of up to one percent under certain circumstances	2480				2480
*551 -	By Senators Maroney, Roberts, Rucker, and Stollings: Revising forms of living will, medical power of attorney, and combined medical power of attorney and living will	1641	2359			1641, 2359
*562 -	By Senator Trump: Relating to juvenile competency proceedings (Chapter 51, Acts, Regular Session, 2021)	1452, 4300	2517	2796-2812, 3108-3124, 3124, 4300	3124	1452, 2574, 2629, 2796, 2812, 2829, 3073, 3108, 3125, 3129, 4301, 4381, 4388
*565 -	By Senators Roberts, Takubo, and Rucker: Relating generally to elections	1641				1643, 3125, 3129, 4301
*566 -	By Senator Weld: Relating to interpretations of school laws	1452				1452
*569 -	By Senator Azinger: Relating to damages for medical monitoring	1552	2656	3125-3128	3129, 4301	1552, 2930, 3003, 3006, 2785, 3786
577 -	By Senators Phillips, Stollings, Roberts, and Jeffries: Exempting certain fire departments from licensure requirements for providing rapid response services (Chapter 228, Acts, Regular Session, 2021)	1643	2521		2784	1643, 2574, 2629, 2784, 2785, 4373, 4387

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*585 -	By Senators Beach and Lindsay: Requiring BOE create and provide course in family and consumer sciences in secondary schools	1779	2523			1779, 2574, 2585
*586 -	By Senators Baldwin, Stollings, Caputo, Lindsay, Ihlenfeld, Jeffries, and Romano: Providing WV veterans discounts on fees and charges at state parks	1584				1584
*587 -	By Senators Swope and Woodrum: Making contract consummation with state more efficient (Chapter 141, Acts, Regular Session, 2021)	1739	1891		2567	1739, 2415, 2502, 2567, 2568, 2821, 4387
588 -	By Senator Azinger: Requiring county boards of education and county superintendents to comply with instructions of State Board of Education	1902				1902
*590 -	By Senators Woelfel, Baldwin, Caputo, Stollings, and Lindsay: Removing restriction preventing medical marijuana from being in edible form	1643				1643
*601 -	By Senator Rucker: Relating generally to public employees grievance procedure	1779				1779
*604 -	By Senators Lindsay and Romano: Requiring county commissions create districts for towing services	1779				1780
*610 -	By Senators Baldwin, Ihlenfeld, Woelfel, Stollings, Hamilton, Jeffries, Lindsay, Rucker, and Plymale: Providing tuition and fee waivers at state higher education institutions for volunteers who have completed service in AmeriCorps programs in WV	1668	1890, 2650			1668, 1890, 2813, 2903, 2905, 2979
*613 -	By Senators Weld, Lindsay, Woodrum, Baldwin, and Stollings: Adding classification and base salaries of certain civilian employees of State Police Forensic Laboratory (Chapter 209, Acts, Regular Session, 2021)	2481, 4368	2649	2986	2986	2481, 2814, 2905, 2985, 3013, 4380, 4388
*622 -	By Senators Trump, Hamilton, Stollings, Woelfel, Lindsay, Ihlenfeld, Caputo, and Unger: Increasing compensation for elected county officials	2481				2481
*626 -	By Senators Trump, Weld, Woelfel, Phillips, Romano, Baldwin, and Lindsay: Updating regulation for purchase of automobile catalytic converters (Chapter 86, Acts, Regular Session, 2021)	1496, 3055	2522, 2785	2629-2637, 3056	2785, 3056	1496, 2522, 2574, 2629, 2785, 2786, 3056, 4373, 4387
*634 -	By Senators Caputo, Stollings, Lindsay, Beach, Baldwin, Romano, Woodrum, Rucker, and Woelfel: Requiring training of certain officers for persons with autism spectrum disorder (Chapter 229, Acts, Regular Session, 2021)	1902	2518		2883	1902, 2574, 2585, 2655, 2812, 2883, 4373, 4387

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*635 -	By Senators Hamilton and Lindsay: Requiring State Fire Commission propose rules for sprinkler protection in basements of certain buildings	2481				2481
*636 -	By Senators Rucker, Phillips, Smith, Roberts, Karnes, and Stollings: Requiring certain history and civics courses be taught in schools (Chapter 96, Acts, Regular Session, 2021)	1552, 4341	2524	2605, 2987	2986, 4341	1553, 2574, 2585, 2829, 2905, 2986, 2988, 4341, 4342, 4380, 4388
*641 -	By Senators Phillips, Stollings, Lindsay, Smith, Hamilton, Unger, and Woodrum: Allowing counties to use severance tax proceeds for litter cleanup programs (Chapter 253, Acts, Regular Session, 2021)	2366	2816		3197	2366, 2930, 3006, 3197, 3198, 4380, 4388
*642 -	By Senators Rucker and Karnes: Requiring legal advertisements by State Auditor be posted to central website (Chapter 142, Acts, Regular Session, 2021)	2482	2819		3198	2482, 2930, 3006, 3198, 4380, 4388
644 -	By Senator Weld: Exempting certain persons pursuing degree in speech pathology and audiology from license requirements (Chapter 199, Acts, Regular Session, 2021)	1668, 2823	2359, 2571	2614	2614	1668, 2359, 2503, 2571, 2614, 3074, 4387
651 -	By Senators Rucker, Roberts, and Karnes: Allowing county boards of education to publish financial statements on website (Chapter 97, Acts, Regular Session, 2021)	1668, 2975	2524	2637, 2786	2786	1668, 2575, 2637, 2786, 2787, 4373, 4387
*655 -	By Senator Swope: Eliminating sunset and legislative audit provisions for certain PSC rules (Chapter 186, Acts, Regular Session, 2021)	2366	2641		3199	2366, 2814, 2906, 3006, 3198, 3199, 4380, 4388
*657 -	By Senators Phillips, Azinger, Rucker, Smith, Sypolt, Tarr, Woodrum, Roberts, Karnes, Grady, and Maynard: Relating to free expression on state institution of higher education campuses (Chapter 156, Acts, Regular Session, 2021)	2366	2656		3199	2367, 2930, 3006, 3199, 4381, 4388
*658 -	By Senators Grady, Stollings, Baldwin, Woodrum, Romano, Rucker, Lindsay, and Phillips: Requiring sheriff's departments to participate and utilize Handle With Care Program for trauma-inflicted children (Chapter 52, Acts, Regular Session, 2021)	1669	2656		3200	1669, 2930, 3006, 3199, 3200, 4380, 4388
*660 -	By Senators Weld, Woodrum, Rucker, and Romano: Providing for cooperation between law-enforcement agencies and military authorities (Chapter 230, Acts, Regular Session, 2021)	1903, 4357	2817	3200-3205, 3240	3205, 4358	1903, 2930, 3006, 3200, 3205, 3240, 3241, 4358, 4380, 4387
661 -	By Senator Maynard: Permitting retailers to assume sales or use tax assessed on tangible personal property (Chapter 254, Acts, Regular Session, 2021)	2482	2820		3205	2482, 2930, 3012, 3205, 3206, 4380, 4387

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*663 -	By Senators Swope and Woodrum: Providing fee for processing of criminal bonds	2483				2483
*668 -	By Senators Takubo, Woelfel, and Woodrum: Creating Psychology Interjurisdictional Compact (Chapter 200, Acts, Regular Session, 2021)	2367	2528		2884	2368, 2639, 2812, 2884, 3073, 4373, 4387
*671 -	By Senators Phillips, Plymale, and Roberts: Appointing Director of Office of Emergency Medical Services (Chapter 217, Acts, Regular Session, 2021)	2368, 4368	2529	2988	2988	2368, 2585, 2655, 2814, 2906, 2988, 4380, 4388
*673 -	By Senator Swope: Relating to venue for bringing civil action or arbitration proceedings under construction contracts (Chapter 3, Acts, Regular Session, 2021)	1740	2451		2787	1740, 2575, 2637, 2787, 4373, 4388
674 -	By Senators Weld, Woelfel, and Lindsay: Clarifying that unpaid restitution does not preclude person from obtaining driver's license (Chapter 81, Acts, Regular Session, 2021)	2368	2656		3206	2390, 2930, 3012, 3206, 4380, 4388
*677 -	By Senators Phillips, Caputo, Smith, Romano, Hamilton, Karnes, Lindsay, Unger, and Woodrum: Relating generally to miners' safety, health, and training standards (Chapter 180, Acts, Regular Session, 2021)	2483	2817		3206	2483, 2930, 3012, 3206, 4381, 4388
680 -	By Senators Rucker and Roberts: Allowing State Superintendent of Schools define classroom teachers certified in special education (Chapter 241, Acts, Regular Session, 2021)	1780	2523		2877	1780, 2575, 2638, 2788, 4373, 4387
*684 -	By Senator Woodrum: Adding Curator of Division of Arts, Culture, and History as ex officio voting member to Library Commission (Chapter 143, Acts, Regular Session, 2021)	2369, 3831	2642	2907, 3831	2989, 3831	2369, 2814, 2907, 2988, 2989, 3832, 4380, 4387
693 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Updating certain definitions and terms used in WV Personal Income Tax Act (Chapter 255, Acts, Regular Session, 2021)	1585	2451		2576	1585, 2575, 2576, 2821, 4387
*695 -	By Senator Rucker: Providing procedures for decreasing or increasing corporate limits by annexation (Chapter 72, Acts, Regular Session, 2021)	2483, 4368	2642	2908-2917	2989	2483, 2814, 2908, 2989, 2990, 4380, 4388
*702 -	By Senators Trump and Romano: Relating to involuntary hospitalization, competency, and criminal responsibility of persons charged or convicted of certain crimes (Chapter 88, Acts, Regular Session, 2021)	2484, 4371	2820	3012	3959	2484, 2930, 3012, 3073, 3959, 3960, 4381, 4388

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
710 -	By Senators Rucker, Roberts, Azinger, Beach, Boley, Clements, Grady, Romano, Stollings, Trump, Unger, and Weld: Requiring impact statement in certain instances of school closing or consolidation	1780	2524			1780, 2576, 2638, 2655
*711 -	By Senators Rucker, Roberts, Azinger, Beach, Boley, Clements, Grady, Plymale, Romano, Stollings, Trump, and Unger: Relating to school aid formula and minimum student enrollment	2485				2485
713 -	By Senators Azinger, Caputo, Lindsay, Maynard, Phillips, Romano, Rucker, Smith, Stover, Weld, Woelfel, Woodrum, and Trump: Relating generally to inmate good time (Chapter 66, Acts, Regular Session, 2021)	1903, 2976	2518		2788	1903, 2576, 2638, 2788, 2789, 4373, 4387
714 -	By Senators Takubo, Maroney, Grady, Weld, Rucker, Azinger, Stover, Woodrum, Stollings, Plymale, Roberts, Lindsay, and Unger: Relating to physician assistant practice act (Chapter 201, Acts, Regular Session, 2021)	2369, 4368	2641	2918-2929, 2991	2990	2369, 2814, 2917, 2990, 2991, 4380, 4387
715 -	By Senators Takubo, Maroney, Grady, Weld, Rucker, Azinger, Stover, Woodrum, Stollings, Plymale, Roberts, Lindsay, and Unger: Creating Recovery and Hope Act	2369				2370
717 -	By Senators Tarr, Boley, Clements, Hamilton, Martin, Roberts, Swope, Sypolt, Baldwin, Jeffries, Stollings, and Unger: Supplemental appropriation from General Revenue to WV Community and Technical College Education, Control Account (Chapter 10, Acts, Regular Session, 2021)	2485	2649		2991	2485, 2814, 2929, 2991, 2992, 4374, 4387
718 -	By Senators Tarr, Sypolt, Swope, Hamilton, Clements, Roberts, Nelson, and Martin: Relating generally to Coal Severance Tax Rebate (Chapter 256, Acts, Regular Session, 2021)	2485	2650		3804	2486, 2814, 2829, 3073, 3240, 3804, 4381, 4388

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*Denotes Committee Substitute

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
1 -	By Senators Blair (Mr. President), Takubo, and Baldwin: Adopting joint rules of Senate and House of Delegates	29			29	29
2 -	By Senators Blair (Mr. President), Tarr, and Baldwin: Authorizing payment of expenses of 85th Legislature	29			30	30
*3 -	By Senators Maynard, Rucker, and Karnes: Urging Congress reopen public lands in WV	2976	3015		3077	2976, 3077
4 -	By Senators Rucker, Woelfel, Swope, Trump, Caputo, Roberts, Phillips, and Weld: Recognizing June 19 as Juneteenth Day	399	1092		1166	399, 1165, 1166
5 -	By Senators Karnes, Grady, Rucker, Martin, Azinger, and Phillips: Urging Congress call Article V convention to impose fiscal restraints on federal government	1644				1643
6 -	By Senators Sypolt, Phillips, Unger, Smith, and Jeffries: US Navy Seaman 2nd Class Wilbur 'Webb' Hahn and John W. Hahn Memorial Bridge	582	1628, 1662, 1767		1786	582, 1628, 1660, 1662, 1786, 1787
8 -	By Senators Takubo, Phillips, Unger, Stollings, and Maynard: Fire Chief Kenneth Junior Russell Memorial Bridge	821	1628, 1662, 1767		1786	821, 1628, 1660, 1662, 1786, 1787, 2414
9 -	By Senators Plymale, Stollings, Woelfel, Jeffries, and Maynard: Haynie Family Veterans Memorial Bridge	823	1628, 162	1551		823, 1628, 1660, 1662, 1786
13 -	By Senators Woelfel, Plymale, Baldwin, Ihlenfeld, Lindsay, Stollings, Phillips, and Romano: Urging Adjutant General to establish Honor Guard in each unit to perform military funeral honors	853				853
*14 -	By Senators Boley, Azinger, Baldwin, Beach, Caputo, Clements, Ihlenfeld, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Roberts, Romano, Stollings, Swope, Weld, Woelfel, Grady, Plymale, Sypolt, Hamilton, Maroney, Unger, Smith, Trump, and Woodrum: Creating WV Women's Suffrage Memorial	1669	1767		1786	1669, 1775, 1786
15 -	By Senators Hamilton and Lindsay: Extending certain leases between US Army Corps of Engineers and Nicholas County Airport Authority	929	1089, 1176		1235	929, 1089, 1235
16 -	By Senators Stollings and Phillips: USMC Corporal Roger Lee Boothe Memorial Road	1453	2453			1453, 2454

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
17 -	By Senators Phillips, Stollings, Hamilton, Lindsay, Unger, and Jeffries: USMC Captain Dempsey Stowers Memorial Bridge	2531				2531
18 -	By Senators Maynard, Lindsay, Unger, and Jeffries: Curtis "Pap" and Millie "Mammie" Asbury Memorial Bridge	2532				2532
19 -	By Senators Takubo, Nelson, Weld, Stollings, Jeffries, Maroney, Lindsay, and Unger: US Army SSG Elson M. Kuhn Memorial Bridge	2534				2534
20 -	By Senators Nelson, Azinger, Martin, Phillips, Takubo, Weld, Stollings, Maroney, Lindsay, Romano, and Rucker: Supporting and celebrating centennial anniversary of Jones Act	1496	1624, 1767		2372	1496, 1624, 1775, 2357, 2372
21 -	By Senators Phillips, Stollings, Lindsay, and Unger: US Army SGT Charles L. Toppings Memorial Road	2535				2535
23 -	By Senators Stollings, Phillips, Unger, Jeffries, and Lindsay: USMC CPL Guy Maywood Edwards Memorial Bridge	1671				1671
27 -	By Senators Romano, Nelson, Lindsay, Martin, Caputo, Stollings, Beach, Unger, and Jeffries: Walker Brothers Veterans Memorial Bridge	2537				2537
30 -	By Senators Nelson, Grady, Takubo, Jeffries, and Lindsay: William Gregory "Greg" White, PE, Memorial Bridge	2486				2486
31 -	By Senators Romano, Martin, Caputo, Unger, Jeffries, and Lindsay: Frye Brothers Veteran Memorial Bridge	2538				2538
32 -	By Senators Romano, Martin, Caputo, Unger, Jeffries, and Lindsay: Cox Brothers Veteran Memorial Bridge	2540				2540
*34 -	By Senator Roberts: US Air Force TSGT Franklin A. Bradford Memorial Bridge	2542				2542
*37 -	By Senators Jeffries, Romano, Lindsay, Stollings, and Unger: Nitro WW I Memorial Bridge	2545				2545
*39 -	By Senators Beach, Caputo, Ihlenfeld, Lindsay, Phillips, Hamilton, Stollings, Unger, and Jeffries: Home of Nick Saban	2547				2547
41 -	By Senator Phillips: Requesting study on legal process for collection and enforcement of delinquent taxes and lands	3759				3759
42 -	By Senators Weld, Jeffries, Lindsay, and Unger: Firefighter Marvin Layton Hughes Memorial Bridge	2488				2488
*43 -	By Senators Stover, Jeffries, Lindsay, and Unger: US Army PVT Joseph Stanley McKinney Memorial Bridge	2489				2489

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
44 -	By Senators Romano, Martin, Jeffries, Lindsay, and Unger: Harrison County Veterans Memorial Bridge	2549				2549
*45 -	By Senators Roberts, Jeffries, Baldwin, Lindsay, Unger, Weld, and Caputo: Dennis E. Davis Veterans Nursing Home	2652				2652
46 -	By Senators Sypolt, Jeffries, Smith, Lindsay, and Unger: Stanley W. and Evelyn C. See Memorial Bridge	2490				2490
48 -	By Senators Baldwin, Jeffries, Stollings, Lindsay, and Unger: US Army PFC Billy Keith Ford Memorial Bridge	2550				2550
49 -	By Senators Maynard, Baldwin, Lindsay, Unger, and Jeffries: Requesting study on development and expansion of municipal recycling programs	3760				3760
*50 -	By Senators Hamilton, Romano, Martin, Caputo, Jeffries, Lindsay, and Unger: USMC SGT MAJ Herman H. Brawner Memorial Bridge	2492				2492
53 -	By Senators Maroney, Grady, Azinger, Lindsay, Plymale, Rucker, Stollings, Stover, Unger, Weld, and Woodrum: Encouraging certain facilities improve palliative care programs	1672	2357, 3242		3787	1672, 2358, 3787
54 -	By Senators Azinger, Grady, Lindsay, Maynard, Phillips, Romano, Rucker, Smith, Stover, Takubo, Weld, Woelfel, Woodrum, and Trump: Urging Congress and President to protect Second Amendment of US Constitution	1674				1673
55 -	By Senators Karnes, Azinger, Boley, Clements, Grady, Hamilton, Jeffries, Lindsay, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Takubo, Trump, Weld, Woelfel, Woodrum, Sypolt, and Martin: Supporting Atlantic Coast Pipeline	2977	3015		3077	2977, 3077
57 -	By Senators Caputo, Ihlenfeld, Jeffries, Lindsay, Martin, Nelson, Smith, Stover, Swope, Sypolt, Woodrum, and Maynard: Requesting study on electronic database publication of legal notices in lieu of newspaper publication	3762				3762
59 -	By Senators Nelson, Clements, Plymale, Swope, Azinger, Lindsay, and Trump: Requesting study on creating third tier within PERS for public safety employees	2599				2599
60 -	By Senators Weld, Caputo, Grady, Hamilton, Lindsay, Romano, and Smith: Requesting study on program for suicide prevention for veterans and active-duty members of armed forces, National Guard, and reserves	3763				3763

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
66 -	By Senator Clements: Requesting study on existing and potential income sources for State Road Fund	3765				3765
67 -	By Senator Clements: Requesting study on criteria for honorary infrastructure naming resolutions	3766				3766
68 -	By Senators Nelson, Maynard, Swope, Maroney, Stover, Martin, Smith, Sypolt, Woodrum, Caputo, Jeffries, and Lindsay: Requesting study on paid family leave for state and county boards of education employees	3769				3769
69 -	By Senators Maynard, Swope, Martin, Jeffries, Nelson, Smith, Lindsay, Stover, Maroney, Sypolt, Caputo, and Woodrum: Requesting study on plan to promote adventure travel throughout WV	3770				3770
70 -	By Senators Azinger, Beach, Boley, Clements, Grady, Plymale, Roberts, Romano, Stollings, Unger, and Rucker: Requesting study on population of children experiencing homelessness and services provided	3772				3772
72 -	By Senators Azinger, Beach, Boley, Clements, Grady, Plymale, Roberts, Romano, Stollings, Unger, and Rucker: Requesting study on summer and non-school-day food programs by county boards of education	3774				3774
74 -	By Senators Azinger, Beach, (Mr., Blair, Caputo, Grady, Lindsay, Maynard, Phillips, Romano, Rucker, Smith, Stover, Takubo, Weld, Woelfel, Woodrum, and Trump: Requesting study on reducing criminal activity and increasing online marketplace transparency	3776				3776
75 -	By Senators Azinger, Beach, (Mr., Blair, Caputo, Grady, Lindsay, Maynard, Phillips, Romano, Rucker, Smith, Stover, Takubo, Weld, Woelfel, Woodrum, and Trump: Requesting study on coinciding elections of political subdivisions with statewide and federal elections	3777				3777
76 -	By Senators Takubo, Stollings, Baldwin, and Unger: Requesting study on mental health parity in WV	3956				3956
77 -	By Senators Stollings, Caputo, and Baldwin: Requesting study on fiscal impact of elimination or reduction of current tangible property tax	3958				3958

REGULAR SESSION, 2021

*Denotes Committee Substitute

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
*1 -	By Senators Tarr, Rucker, Phillips, Martin, Grady, Roberts, Hamilton, Karnes, Maroney, Smith, Woodrum, Maynard, and Azinger: Protection of the Right to Bear Arms Amendment	2494			2494	
4 -	By Senators Trump and Roberts: Incorporation of Churches or Religious Denominations Amendment	716, 4342	2454	2794	2880, 4342	715, 2472, 2614, 2794, 2815, 2879, 2881, 4342, 4343, 4344
*9 -	By Senators Smith, Phillips, Hamilton, Caputo, Unger, Stollings, Baldwin, Weld, Lindsay, Woodrum, and Jeffries: Disabled Veterans' Exemption from Ad Valorem Property Taxation Amendment	2494	2932			2494, 2932, 2993, 3073
*10 -	By Senators Nelson, Martin, Karnes, Phillips, Rucker, and Woelfel: Limiting the Terms of Members of the House of Delegates and Senate Amendment	2495				2495
*11 -	By Senators Weld, Rucker, Baldwin, Karnes, Woelfel, Ihlenfeld, Maroney, Martin, Woodrum, Phillips, Romano, Lindsay, Unger, Nelson, and Plymale: Constitutional Officer Term Limit Amendment	1780	2932			1780, 2932, 2993, 3073, 3784, 3785

FIRST EXTRAORDINARY SESSION, 2021

*Denotes Committee Substitute

Number	SPONSOR(S) AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
101 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplementary appropriation to the Division of Highways (Chapter 1, Acts, 1st Extraordinary Session, 2021)	4404			4405	4417	4405, 4407, 4408, 4418, 4419
102 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Supplementing, amending and increasing an existing item to the Department of Transportation (Chapter 2, Acts, 1st Extraordinary Session, 2021)	4406			4407	4418	4406, 4407, 4418, 4419

FIRST EXTRAORDINARY SESSION, 2021

*Denotes Committee Substitute

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
1001 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriations to DHHR for federal block grant moneys (Chapter 3, Acts, 1st Extraordinary Session, 2021)	4408			4409	4409, 4410, 4418, 4419
1002 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriations to Department of Health and Human Resources (Chapter 4, Acts, 1st Extraordinary Session, 2021)	4410			4411	4410, 4411, 4412, 4418, 4419
1003 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriations to State Board of Education (Chapter 5, Acts, 1st Extraordinary Session, 2021)	4412			4413	4412, 4413, 4414, 4418, 4419
1004 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriations for fiscal year 2022 to Department of Education (Chapter 6, Acts, 1st Extraordinary Session, 2021)	4414			4415	4414, 4415, 4419,
1007 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Relating to exemptions of property in federal bankruptcy proceedings (Chapter 7, Acts, 1st Extraordinary Session, 2021)	4415			4416	4416, 4417, 4419

SECOND EXTRAORDINARY SESSION, 2021

*Denotes Committee Substitute

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
201 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making a supplemental appropriation to the Office of Technology	4444					4445
202 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making a supplemental appropriation to the Division of Natural Resources	4445					4445
203 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriations to the Department of Homeland Security	4445					4446
204 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making a supplemental appropriation to the Division of Personnel	4445					4446
205 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making a supplemental appropriation to the West Virginia Development Office	4446					4446
206 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making a supplemental appropriation to the Civil Contingent Fund	4446					4446
207 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making a supplemental appropriation to the Department of Arts, Culture, and History	4446					4446
208 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making a supplemental appropriation to the State Rail Authority	4446					4447
209 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation to the State Board of Education	4447					4447
210 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making a supplemental appropriation to the State Board of Education, School Construction Fund	4447					4447

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
211 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation to the Division of Human Services	4447					4447
212 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriations to the Department of Homeland Security	4448					4448
213 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making a supplemental appropriation to the Water Development Authority	4448					4448
214 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making a supplemental appropriation to the Department of Commerce	4448					4448
215 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation to the Department of Revenue	4449					4449
216 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making a supplemental appropriation to the Department of Revenue, Office of the Secretary, Revenue Shortfall Reserve Fund	4449					4449
217 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriations to Governor's Office, Department of Commerce, and Higher Education	4449					4451
218 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Supplementing and amending the budget bill in Title II, section 9 for fiscal year ending June 30, 2022, by decreasing items of appropriation	4451					4451
219 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriations to the Department of Administration, and to the Department of Transportation	4451					4451
220 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Altering the time frame which retail liquor licensees may sell liquors	4451					4451

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
221 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation to Local Economic Development Assistance	4451					4452
222 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Decreasing appropriations from Department of Economic Development	4452					4453
223 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Relating to the per diem rate for incarcerated inmates in regional jails	4453					4454
224 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Supplementing, amending and increasing an appropriation to the National Coal Heritage Area Authority	4454					4454

SECOND EXTRAORDINARY SESSION, 2021

*Denotes Committee Substitute

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
201 -	By Delegates Linville, J. Pack, Anderson, Barach, Barnhart, Barrett, Boggs, Booth, Brown, Bruce, Burkhammer, Capito, Conley, Cooper, Criss, Dean, Diserio, Doyle, Ellington, Espinosa, Fast, Fleischauer, Fluharty, Forsht, Foster, Garcia, Gearheart, Graves, Hamrick, Hanna, Hansen, (Mr. Hanshaw, Hardy, Haynes, Higginbotham, Holstein, Hornbuckle, Horst, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Keaton, D. Kelly, J. Kelly, Kessinger, Kimble, Kimes, Longanacre, Lovejoy, Mandt, Martin, Maynard, Mazzocchi, McGeehan, Miller, L. Pack, Paynter, Pethtel, Phillips, Pritt, Pushkin, Queen, Reed, Reynolds, Riley, Rohrbach, Rowan, Rowe, Skaff, Smith, Statler, Steele, Storch, Summers, Sypolt, Thompson, Toney, Tully, Walker, Wamsley, B. Ward, G. Ward, Westfall, Worrell, Zatezalo, and Zukoff: Requesting the President of the United States to designate a single state funeral to be held upon the death of the last living Medal of Honor recipient from World War II.	4442			4444	4502	4494, 4445

SECOND EXTRAORDINARY SESSION, 2021

*Denotes Committee Substitute

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
2002 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to Division of Natural Resources (Chapter 2, Acts, 2nd Extraordinary Session, 2021)	4454			4455	4455, 4456, 4503, 4505
2003 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriations to DHS, Division of Emergency Management and Division of Corrections and Rehabilitation (Chapter 3, Acts, 2nd Extraordinary Session, 2021)	4456			4457	4457, 4458, 4503, 4505
2005 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to WV Development Office (Chapter 4, Acts, 2nd Extraordinary Session, 2021)	4458			4459	4459, 4460, 4503, 4505
2006 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to Civil Contingent Fund (Chapter 5, Acts, 2nd Extraordinary Session, 2021)	4460			4461	4460, 4461, 4462, 4503, 4505
2007 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to Division of Culture and History (Chapter 6, Acts, 2nd Extraordinary Session, 2021)	4462			4463	4462, 4463, 4464, 4503, 4505
2008 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to State Rail Authority (Chapter 7, Acts, 2nd Extraordinary Session, 2021)	4464			4465	4464, 4465, 4466, 4503, 4505
2009 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to BOE, State Aid to Schools (Chapter 8, Acts, 2nd Extraordinary Session, 2021)	4466			4467	4466, 4467, 4468, 4503, 4505
2010 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to BOE, School Construction Fund (Chapter 9, Acts, 2nd Extraordinary Session, 2021)	4468			4469	4468, 4469, 4504, 4505

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
2011 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to Division of Human Services (Chapter 10, Acts, 2nd Extraordinary Session, 2021)	4470			4470	4470, 4471, 4504, 4505
2012 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to DHS, Division of Corrections and Rehabilitation and Division of Administrative Services (Chapter 11, Acts, 2nd Extraordinary Session, 2021)	4471			4472	4472, 4473, 4504, 4505
2014 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to WV Tourism Office (Chapter 12, Acts, 2nd Extraordinary Session, 2021)	4473			4474	4474, 4475, 4504, 4505
2015 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to Tax Division (Chapter 13, Acts, 2nd Extraordinary Session, 2021)	4475			4476	4475, 4477, 4504, 4505
2016 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to Rainy Day Fund (Chapter 14, Acts, 2nd Extraordinary Session, 2021)	4477			4478	4477, 4479, 4504, 4505
2017 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Adding new items and increasing existing items of appropriation for various accounts for fiscal year 2021 (Chapter 15, Acts, 2nd Extraordinary Session, 2021)	4479			4481	4481, 4482, 4504, 4505
2018 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Supplementing Budget Bill in Title II, Section 9 for fiscal year ending June 30, 2022 (Chapter 16, Acts, 2nd Extraordinary Session, 2021)	4482			4483	4482, 4483, 4484, 4504, 4505
2019 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriations to Office of Technology and State Rail Authority (Chapter 17, Acts, 2nd Extraordinary Session, 2021)	4484			4485	4484, 4485, 4504, 4505
2020 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Altering time frame retail liquor licenses may sell liquors (Chapter 1, Acts, 2nd Extraordinary Session, 2021)	4486			4486	4486, 4487, 4504, 4505

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
2021 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Decreasing existing items of appropriations to Department of Economic Development (Chapter 18, Acts, 2nd Extraordinary Session, 2021)	4488			4489	4489, 4490, 4504, 4505
2022 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriations to Local Economic Development Assistance (Chapter 19, Acts, 2nd Extraordinary Session, 2021)	4490			4492	4491, 4492, 4504, 4505
2023 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Extending expiration date for per diem rate freeze for incarcerated inmates in regional jails (Chapter 21, Acts, 2nd Extraordinary Session, 2021)	4493			4493	4493, 4494, 4504, 4505
2024 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to National Coal Heritage Area Authority (Chapter 20, Acts, 2nd Extraordinary Session, 2021)	4494			4495	4495, 4496, 4505

SECOND EXTRAORDINARY SESSION, 2021

*Denotes Committee Substitute

Number	SPONSOR(S) AND SYNOPSIS	Communicated To House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
201 -	By Senators Tarr, Azinger, Baldwin, Beach, (Mr. Blai, Boley, Caputo, Clements, Grady, Hamilton, Ihlenfeld, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Stover, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Woodrum: Requesting US President designate single state funeral on death of last Medal of Honor recipient of WW II	4496			4497	4497
202 -	By Senators Blair (Mr. President), Clements, and Hamilton: Urging federal government to allocate \$8 billion for coal mine reclamation funding to WV	4498			4502	4502

THIRD EXTRAORDINARY SESSION, 2021

*Denotes Committee Substitute

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
301 -	By Delegates Howell, Anderson, Espinosa, Householder, Linville, Rohrbach, Statler, Steele, and Summers: Reapportioning House of Delegates Districts (Chapter 35, Acts, 3rd Extraordinary Session, 2021)	4534	4534		4555	4641	4534, 4535, 4536, 4550, 4555, 4641, 4642, 4987, 4988
302 -	By Delegate Howell: Reapportioning Congressional Districts	4541					4542, 4556, 4579
303 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation of federal funds to Bureau of Senior Services	4522	4537				4522, 4539, 4556, 4579
304 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation of federal funds to Division of Human Services Energy Assistance Fund	4522	4537				4522, 4539, 4556, 4579
305 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Expiring funds to unappropriated surplus balance from Consumer Protection Recovery Fund	4522	4537				4522, 4539, 4556, 4579
306 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation of federal funds to Department of Agriculture	4522	4538				4523, 4539, 4556, 4579
307 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation of federal funds to the Division of Culture and History	4523	4534				4523, 4539, 4556, 4579
308 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation of federal funds to Community Mental Health Services fund	4526	4528				4523, 4539, 4557, 4579
309 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation of federal funds to Consolidated Medical Services Fund	4523	4538				4523, 4539, 4557, 4579
310 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation of federal funds to Division of Health Central Office Fund	4523	4538				4523, 4539, 4557, 4579

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
311 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation of federal funds to Division of Human Services	4524	4538				4524, 4539, 4557, 4579
312 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation of federal funds to Division of Health - Substance Abuse Prevention and Treatment	4524	4538				4524, 4539, 4557, 4579
313 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation of federal funds to Educational Broadcasting Authority	4524	4538				4524, 4539, 4557, 4579
314 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation of federal funds to Library Commission	4525	4538				4525, 4539, 4557, 4579
315 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation of federal funds to Department of Veterans Assistance	4525	4538				4525, 4539, 4557, 4579
316 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation of federal funds to Department of Veterans Assistance - Veterans Home	4525	4538				4525, 4539, 4558, 4579
317 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation of federal funds to Commission for National and Community Service	4525	4538				4526, 4539, 4558, 4579
318 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation to Division of Culture and History	4526	4538				4526, 4539, 4558, 4579
319 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation to Department of Economic Development	4526	4538				4526, 4539, 4558, 4579
320 -	By Delegate Hanshaw (Mr. Speaker) [By Request of the Executive]: Making supplemental appropriation to State Department of Education	4526	4538				4526, 4539, 4558, 4579
321 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation to Governor's Office Civil Contingent Fund	4527	4538				4527, 4539, 4558, 4579

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
322 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation to Division of Personnel	4527	4539				4527, 4539, 4558, 4579
323 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation to Department of Transportation Public Port Authority	4527	4539				4527, 4539, 4558, 4579
324 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation to Department of Transportation Office of Administrative Hearings	4527	4539				4528, 4539, 4559, 4579
325 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplemental appropriation to Special Railroad and Intermodal Enhancement Fund	4528	4539				4528, 4539, 4559, 4579
326 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Supplementing and amending the Budget Bill	4528	4539				4528, 4539, 4559, 4579
*327 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Clarifying the manner in which an application fee is to be paid for a West Virginia resident to obtain state license to carry a concealed deadly weapon	4528	4539				4528, 4539, 4559, 4579
328 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Relating generally to the West Virginia ABLE Act	4528	4539				4529, 4539, 4559, 4579
329 -	By Delegate Hanshaw (Mr. Speaker) [By Request of the Executive]: Exempting from consumer sales and service tax the sale of aircraft sold in this state and registered in another state and removed from this state within 60 days	4529	4541				4529, 4541, 4559, 4579
330 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Relating to establishing Medal of Valor for emergency medical service personnel, firefighters, and law-enforcement officers	4529	4535				4529, 4535, 4559, 4579
331 -	By Delegate Hanshaw (Mr. Speaker) [By Request of the Executive]: Relating to the review, approval, disapproval, or amendment of rules of local boards of health by the county commission or county board of education	4529					4530

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*332 -	By Delegate Hanshaw (Mr. Speaker) [By Request of the Executive]: Relating to the statutory salary of the Director of Lottery Commission	4530	4540				4531, 4540, 4560, 4579
333 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Creating the Court Facilities Maintenance Fund	4531	4541				
*334 -	By Delegates Hanshaw (Mr. Speaker) and Skaff: Updating provisions establishing the Intermediate Court of Appeals	4531	4532				
335 -	By Delegate Summers [By Request of the Executive]: Relating to COVID-19 immunizations requirements for employment in the public and private sectors (Chapter 32, Acts, 3rd Extraordinary Session, 2021)	4549	4562	4642	4329, 4643	4642	4549, 4562, 4563, 4618, 4621, 4629, 4630, 4643, 4987, 4988
336 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Supplementing and amending appropriations to the Department of Homeland Security, Division of Justice and Community Services (Chapter 1, Acts, 3rd Extraordinary Session, 2021)	4549	4561		4561	4644	4550, 4561, 4562, 4987, 4988
*337 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplementary appropriation to the Department of Economic Development, Office of the Secretary	4623	4634				4624, 4635, 4981
*338 -	By Delegate Hanshaw (Mr. Speaker) and Delegate Skaff [By Request of the Executive]: Making supplementary appropriation of federal funds to the Governor's Office, Coronavirus State Fiscal Recovery Fund	4624	4635				4624, 4635, 4981, 4981
339 -	By Delegates Espinosa, Linville, Rowan, Riley, Hott, Rohrbach, Ellington, Statler, D. Jeffries, Boggs, and Hornbuckle: Creating the Broadband Development Fund (Chapter 28, Acts, 3rd Extraordinary Session, 2021)	4635	4635		4982	2981	4636, 4982, 4983, 4988

THIRD EXTRAORDINARY SESSION, 2021

*Denotes Committee Substitute

Number	SPONSOR(S) And SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
301 -	By Delegate Hanshaw (Mr. Speaker): Authorizing adjournments of the Senate and House of Delegates	4632			4632	4644	4633

THIRD EXTRAORDINARY SESSION, 2021

*Denotes Committee Substitute

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
3001 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation of federal funds to Bureau of Senior Services (Chapter 2, Acts, 3rd Extraordinary Session, 2021)	4563	4534		4580	4563, 4579, 4580, 4581, 4988
3002 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation of federal funds to DHS, Energy Assistance (Chapter 3, Acts, 3rd Extraordinary Session, 2021)	4563			4581	4564, 4581, 4582, 4637, 4988
3003 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Expiring funds to unappropriated surplus balance from Consumer Protection Recovery Fund (Chapter 4, Acts, 3rd Extraordinary Session, 2021)	4564			4582	4564, 4582, 4583, 4637, 4988
3004 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation of federal funds to Department of Agriculture (Chapter 5, Acts, 3rd Extraordinary Session, 2021)	4564			4584	4565, 4583, 4584, 4638, 4988
3005 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation of federal funds to Division of Culture and History (Chapter 6, Acts, 3rd Extraordinary Session, 2021)	4565			4585	4565, 4584, 4586, 4638, 4988
3006 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation of federal funds to Community Mental Health Services (Chapter 7, Acts, 3rd Extraordinary Session, 2021)	4565			4586	4565, 4586, 4587, 4638, 4988
3007 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation of federal funds to Consolidated Medical Service Fund (Chapter 8, Acts, 3rd Extraordinary Session, 2021)	4566			4587	4566, 4587, 4588, 4638, 4988
3008 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation of federal funds to Division of Health, Central Office Fund (Chapter 9, Acts, 3rd Extraordinary Session, 2021)	4566			4589	4566, 4588, 4589, 4638, 4988

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
3009 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation of federal funds to Division of Human Services (Chapter 10, Acts, 3rd Extraordinary Session, 2021)	4567			4590	4567, 4589, 4590, 4638, 4988
3010 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation of federal funds to Division of Health, Substance Abuse Prevention and Treatment (Chapter 11, Acts, 3rd Extraordinary Session, 2021)	4567			4591	4567, 4591, 4592, 4638, 4988
3011 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation of federal funds to Educational Broadcasting Authority (Chapter 12, Acts, 3rd Extraordinary Session, 2021)	4568			4592	4568, 4592, 4593, 4638, 4988
3012 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation of federal funds to Library Commission (Chapter 13, Acts, 3rd Extraordinary Session, 2021)	4568			4593	4568, 4593, 4594, 4638, 4988
3013 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation of federal funds to Department of Veterans' Assistance (Chapter 14, Acts, 3rd Extraordinary Session, 2021)	4568			4595	4569, 4594, 4595, 4638, 4988
3014 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation of federal funds to Department of Veterans' Assistance, Veterans' Home (Chapter 15, Acts, 3rd Extraordinary Session, 2021)	4569			4596	4569, 4595, 4596, 4597, 4639, 4988
3015 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation of federal funds to Commission for National and Community Service (Chapter 16, Acts, 3rd Extraordinary Session, 2021)	4569			4597	4570, 4597, 4598, 4639, 4988
3016 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to Division of Culture and History (Chapter 17, Acts, 3rd Extraordinary Session, 2021)	4570			4598	4570, 4598, 4599, 4639, 4988

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
3017 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to Department of Economic Development, Office of Secretary (Chapter 18, Acts, 3rd Extraordinary Session, 2021)	4570			4600	4570, 4599, 4600, 4639, 4988
3018 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to State Department of Education (Chapter 19, Acts, 3rd Extraordinary Session, 2021)	4571			4624	4571, 4600, 4601, 4624, 4639, 4641, 4988
3019 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to Governor's Office, Civil Contingent Fund (Chapter 20, Acts, 3rd Extraordinary Session, 2021)	4571			4601	4571, 4601, 4602, 4639, 4988
3020 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to Division of Personnel (Chapter 21, Acts, 3rd Extraordinary Session, 2021)	4572			4603	4572, 4602, 4603, 4639, 4988
3021 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to Special Railroad and Intermodal Enhancement Fund (Chapter 22, Acts, 3rd Extraordinary Session, 2021)	4572			4604	4572, 4604, 4605, 4639, 4988
3022 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to DOT, Office of Administrative Hearings (Chapter 23, Acts, 3rd Extraordinary Session, 2021)	4573			4605	4573, 4605, 4606, 4639, 4988
3023 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Making supplemental appropriation to DOT, Public Port Authority (Chapter 24, Acts, 3rd Extraordinary Session, 2021)	4573			4607	4573, 4606, 4607, 4639, 4988
3024 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Supplementing and amending Title II, section 12, Budget Bill, for fiscal year ending June 30, 2022 (Chapter 25, Acts, 3rd Extraordinary Session, 2021)	4574			4608	4574, 4607, 4608, 4639, 4988
3025 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Relating generally to WV ABLE Act (Chapter 33, Acts, 3rd Extraordinary Session, 2021)	4574, 4644		4603, 4610	4609	4574, 4609, 4610, 4639, 4988

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
3026 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Relating to review, approval, disapproval, or amendment of local boards of health rules by county commission or county board of education (Chapter 34, Acts, 3rd Extraordinary Session, 2021)	4619			4626	4619, 4625, 4626, 4627, 4639, 4988
3027 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Establishing Medal of Valor for emergency medical service personnel, firefighters, and law-enforcement officers (Chapter 31, Acts, 3rd Extraordinary Session, 2021)	4574			4611	4574, 4610, 4611, 4640, 4988
3028 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Relating to statutory salary of Director of Lottery Commission (Chapter 38, Acts, 3rd Extraordinary Session, 2021)	4575			4611	4575, 4611, 4612, 4613, 4640, 4988
3029 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Creating Court Facilities Maintenance Fund (Chapter 29, Acts, 3rd Extraordinary Session, 2021)	4575			4613	4575, 4613, 4614, 4640, 4988
3030 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Updating provisions establishing Intermediate Court of Appeals (Chapter 30, Acts, 3rd Extraordinary Session, 2021)	4316, 4644		4628	4627	4620, 4627, 4628, 4640, 4988
3031 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Exempting sale of certain aircraft from consumers sales and service tax (Chapter 39, Acts, 3rd Extraordinary Session, 2021)	4576			4614	4576, 4614, 4615, 4640, 4988
3032 -	By Senator Blair (Mr. President) and Senator Baldwin [By Request of the Executive]: Relating to application fees for license to carry concealed deadly weapon (Chapter 40, Acts, 3rd Extraordinary Session, 2021)	4576			4616	4576, 4615, 4616, 4988
3033 -	By Senators Swops, Sypolt, Tarr, Weld, and Woelfel: Relating to composition of congressional districts (Chapter 36, Acts, 3rd Extraordinary Session, 2021)	4577			4617	4577, 4616, 4617, 4623, 4641, 4988
3034 -	By Senators Swops, Sypolt, and Tarr: Dividing state into senatorial districts (Chapter 37, Acts, 3rd Extraordinary Session, 2021)	4644, 4987		4645-4980	4980	4645, 4981, 4988

Number	SPONSOR(S) AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
3040 -	By Senators Blair (Mr. President), Azinger, Baldwin, Boley, Maroney, Plymale, Stollings, Takubo, Tarr, Trump, and Weld: Making supplemental appropriation to Department of Economic Development, Office of the Secretary (Chapter 26, Acts, 3rd Extraordinary Session, 2021)	4983			4984	4983, 4984, 4988
3041 -	By Senators Blair (Mr. President), Azinger, Baldwin, Boley, Maroney, Plymale, Stollings, Takubo, Tarr, Trump, and Weld: Making supplementary appropriation to Governor's Office, Coronavirus State Fiscal Recovery Fund (Chapter 27, Acts, 3rd Extraordinary Session, 2021)	4985			4985	4985, 4986, 4988

TOPICAL INDEX**HOUSE BILLS INTRODUCED THROUGH 04/10/2021**

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- 2016. Relating to the “COVID-19 Essential Jobs Protection Act”
- 2021. Creation of West Virginia COVID-19 Immunity Act
- 2055. Establishing a procedure to name a kinship legal guardian
- 2063. Relating to unfair or deceptive telemarketing acts or practices
- 2064. Biometric Information Privacy Act
- 2091. Creating a process by which voters may recall a county ordinance in a special election
- 2112. Prohibiting provisions within settlement agreements that prevent the disclosure of factual information related to a claim filed in a civil action
- 2163. Requiring disclosure of nonpublic personal information required in employment cases
- 2185. State Settlement and Recovered Funds Accountability Act
- 2240. Relating to choice of law provisions in franchise agreements
- 2259. Creating a cause of action for injuries suffered in a gun- free zone
- 2350. Establishing limits applicable to the award of damages for medical monitoring
- 2361. Requiring a judge to approve of contingent fee agreements
- 2483. Relating to preventing compensatory damage awards for medical expenses from including certain sums
- 2495. Relating to the filing of asbestos and silica claims
- 2569. Providing compensation to victims of abusive lawsuits
- 2578. Create the Multi-Door Courthouse Act
- 2593. Amending the standard of proof for awarding damages in civil litigation
- 2635. Repealing antiquated provisions relating to gaming activities
- 2671. Relating to financial exploitation of elderly persons, protected persons or incapacitated adults
- 2675. Relating to the interest rate for condemnation cases and creating conformity with statutory rates
- 2716. West Virginia Public Participation Protection Act
- 2730. Relating to persons filing federal bankruptcy petition to exempt certain property of the estate

- 2762. Exempt from this article any actions arising from the practice of elective abortion or elective abortion relates services
- 2781. To create the Occupational Licensing Legal Fund in the State Treasury
- 2809. Relating to admissibility of certain evidence in a civil action for damages
- 2836. Allow the establishment of a prescriptive public easement on private property for roads or paths traversed by the public in vehicles over a period of 20 or more years
- 2845. Stop Social Media Censorship Act
- 2884. To make changes to the FOIA law to protect public utility customer databases from disclosure, with exceptions
- 2888. Relating to when contentions can be revived based on forensic scientific evidence that was not available at time of conviction
- 2961. Provide protections for employees in legal employment disputes by providing that no employee can be required as a condition of employment to agree to mandatory arbitration
- 2997. Adding a defense to the civil penalty imposed for a result of delivery of fuel to a state other than the destination state printed on the shipping document for fuel
- 3031. Authorizing civil damages for any person who was subject to an intentionally false report made to law enforcement
- 3146. Relating to the review of certain executive orders issued by the President of the United States
- 3158. To codify applicable sections of President Donald J. Trump's Executive Order 13798: Promoting Free Speech and Religious Liberty into state code.
- 3159. Relating to Consumer Data Privacy
- 3234. Ban civil asset forfeiture unless person convicted
- 3237. Establishing of the West Virginia Public Participation Act

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- 2199. Creating the Intrastate Coal and Use Act

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- 2049. Senior Farmers' Market Nutrition Program Fund
- 2050. Establishing the West Virginia Healthy Food Crop Block Grant Program
- 2095. Providing increased protections for the welfare of domestic animals

- 2270. Transferring the Office of Medical Cannabis to the Department of Agriculture
- 2561. Relating to cruelty to animals
- 2633. Creating the 2021 Farm Bill
- 2685. Relating to state certification of industrial hemp and medical cannabis seed
- 2863. Relating to the regulation of livestock branding
- 2966. Make it unlawful for a political subdivision or municipality to pass or enforce an ordinance that would allow feral cats to be trapped and killed
- 2999. Relating to property ownership by Farmland Protection Board
- 3064. Provide free hunting and fishing licenses for all disabled veterans
- 3093. Decoupling active dog racing licenses from racetrack casinos
- 3192. Creating the West Virginia Farm Fresh Dairy Act
- 3219. Decoupling horse racing from licensed racetrack casinos
- 3224. Establish food desert produce pilot program

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- 2056. Changing the beginning time for beer and wine sales on Sunday from one p.m. to 10 a.m.
- 2124. Requiring licensees authorized to serve alcoholic liquors or nonintoxicating beer to have certain liability insurance coverage
- 2200. Allowing the issuance of special licenses for one-day charitable events for the sale, serving, and auctioning of beer, and alcoholic liquors
- 2351. Relating to when a municipality's approval is not required for an event licensed by the Alcohol Beverage Control Commission
- 2585. Relating generally to forfeiture of contraband
- 2612. Allowing a bar to purchase liquor from a distillery or a mini-distillery
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- 2972. Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption

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- 2490. Requiring fifty percent of all reappropriated revenue accounts to be surrendered to general revenue
- 2502. Specified percent of all “unencumbered” special revenue accounts to be surrendered to general revenue if there has been activity in the account for specified periods
- 2624. Redirecting a percentage of any surplus to state institutions of higher education to restore their state allocation funding levels
- 2768. Supplementing, amending and increasing an existing item of appropriation from the State Road Fund, to the Department of Transportation, Division of Highways
- 2769. Supplementing, amending and increasing items of existing appropriation from the State Road Fund to the Department of Transportation, Division of Motor Vehicles
- 2788. Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund
- 2789. Supplementing and amending the appropriations to Public Defender Services
- 2790. Supplementing, amending, decreasing, and increasing items of existing appropriation to Division of Highways
- 2796. Expiring funds from the WV Board of Examiners for Registered Professional Nurses and making a supplementary appropriation to the Department of Commerce, Development Office
- 2797. Declaring certain claims to be moral obligations of the State
- 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
- 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
- 2804. Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021
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- 2896. Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services
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- 2899. Making a supplementary appropriation to the Department of Commerce
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- 2902. Making a supplementary appropriation to the Public Service Commission
- 2903. Making a supplementary appropriation to the Department of Homeland Security, West Virginia State Police
- 2920. Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund
- 2940. Making a supplementary appropriation to the Department of Education, State Board of Education – State Department of Education
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- 3012. Creating a 529 type tax-deferred savings account for first time homebuyers
- 3244. To establish a state bank of West Virginia

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- 2043. Authorizing the West Virginia Tourism Office to enter into an agreement with the Division of Highways to provide staff at the welcome centers
- 2098. Relating to permits issued by the Board of Barbers and Cosmetologists
- 2189. Changing the title of the Commissioner of Culture and History to the Curator of Arts, Culture, and History, and increasing the salary
- 2194. Establishing the Minority Health Advisory Team
- 2224. Relating to complaints against public agencies to obtain records through the Freedom of Information Act
- 2332. Terminating the State Board of Registration of Foresters
- 2347. Relating to licensure qualifications

- 2480. Relating to state boards of examination or registration
- 2515. Require regulatory agency heads to have one year experience in the regulated industry
- 2621. Mandating certification for certain members of fire departments, require certain types of training, allow specialized personnel who are not firefighters to be members of a department, and require the postings of fire department evaluations
- 2695. Consolidate the statutory positions of Director of the Insurance Fraud Unit and Inspector General of the former Workers' Compensation Commission Fraud and Abuse Unit.
- 2696. Creating the fire service equipment and training fund
- 2699. Authorize the Workforce West Virginia to hire additional employees to serve at the Commissioner's will and pleasure
- 2726. Allowing for the lease of air space above public roads for the safe operation of unmanned aircraft
- 2744. Provide for a change in compensation for the Board of Public Works beginning July 1, 2021
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- 2914. To remove certain ex officio, voting members from the Archives and History Commission and update formatting
- 2916. Creating the Semiquincentennial Commission for the celebration of the 250th anniversary of the founding of the United States of America
- 2962. Relating generally to dental practice
- 2968. To allow Veterinarian Tele-Health in West Virginia
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- 3026. Prohibit businesses from having licenses revoked for not requiring masks
- 3034. Sunsetting the Board of Medical Imaging and Radiation Therapy Technicians
- 3035. Sunsetting the Board of Licensed Dieticians
- 3036. Sunsetting the Board of Sanitarians
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- 2518. Allowing a home improvement transaction to be performed under an oral contract
- 2535. Relating to pyramid promotional schemes
- 2551. Relating to consumer protection of new manufactured home warranties
- 2680. Amending the Consumer Credit and Protection Act
- 2715. Creating a State Central Legal Advertising Website
- 2731. Provide for disclosure of potentially harmful ingredients in menstrual products
- 2908. Relating to disclosure of information by online marketplaces to inform consumers
- 2925. Relating to data disposal protection
- 3005. Relating to law enforcement warrant for third party information
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- 3273. A bill relating to pre-need funeral solicitation
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- 2164. Requiring certain municipalities to pay for the incarceration of inmates
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- 2273. Dividing pretrial detention jail costs between arresting authorities
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- 2546. Relating to education to children and adults housed in correctional facilities and regional jails
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- 3166. Prohibit Department of Corrections and Rehabilitation from making inmates pay co-payment for medical or dental service by a doctor or nurse
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- 2091. Creating a process by which voters may recall a county ordinance in a special election
- 2095. Providing increased protections for the welfare of domestic animals
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- 2180. Prohibiting the regulation and licensing of occupations by local government
- 2273. Dividing pretrial detention jail costs between arresting authorities
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- 2302. Establishing that shared legal and physical custody of a child in cases of divorce is presumed to be in the best interests of the child
- 2306. Relating to governmental websites
- 2307. Relating to vacancies in the office of county commissioner
- 2319. Prohibiting the regulation and licensing of occupations by local government
- 2520. Requiring the Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person
- 2592. Require Counties and Municipalities to hold all local elections during statewide elections
- 2597. Prohibiting county airport authorities from making or adopting rules prohibiting possession of firearms in public
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- 2688. Allow county political parties to have building funds in a similar manner that state parties are allowed
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- 3057. Relating to municipal or county taxation of hotel rooms booked through a market facilitator
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- 3094. Prohibiting municipalities, counties, or other government entities from using tax payer funds to lobby for their interests
- 3220. Restrictions on Taxpayer funded lobbying
- 3223. Prohibit state, county, and municipal governments from dedicating or naming any public structure for a public official who is holding office at the time

COUNTY OFFICIALS

- 2048. Relating to Deputy Sheriff Retirement System
- 2295. Relating to pecuniary interests of county and district officers, teachers and school officials in contracts
- 2297. Limiting the maximum number of appointees to certain county and municipal bodies
- 2307. Relating to vacancies in the office of county commissioner
- 2869. To remove any mandatory mask mandate in West Virginia
- 2990. Requiring that any municipality or county commission intending to approve a location for a video lottery retailer must first announce their intention to do so and hold a public hearing

- 3143. Prohibit county clerk from charging or prohibiting person from taking pictures of public documents
- 3253. Relating to late fees for property taxes

COURTS

- 2023. Relating generally to West Virginia Appellate Reorganization Act of 2021
- 2055. Establishing a procedure to name a kinship legal guardian
- 2258. Establishing an intravenous drug user treatment and commitment process
- 2485. Public Participation Protection Act
- 2527. Requiring bail bondsman and bail bond enforcer subject to random drug testing
- 2539. Directing the Supreme Court of Appeals to create a pilot domestic violence court in Kanawha County
- 2591. Allowing drug courts to establish their own process for accrediting community drug recovery programs in certain cases
- 2678. Providing for a limitation on when a hearing or trial may be deemed finally adjudicated when relevant forensic scientific evidence was not able to be presented at the time of trial
- 2689. Granting convicted criminals the right to a retrial if scientific methods used to convict are later determined to be outdated or false
- 2758. Requiring the Insurance Commissioner to regulate professional bondsmen
- 2883. To ensure that the WV Judiciary remains neutral and detached in matters related to allocation of custodial responsibility and decision-making responsibility of children
- 2910. To modify the allowable number of magistrate judges per county
- 3071. Add one additional Magistrate for Putnam County
- 3083. To require a run-off election in certain circumstances
- 3144. Repeal section relating to circuit courts having limited jurisdiction to hear divorce cases
- 3155. Provide for a raise for private investigators hired by public defender offices or court appointed panel attorneys
- 3163. Second Look Sentencing Act

CRIME

- 2017. Rewriting the Criminal Code
- 2060. Reducing the criminal penalty for possession of small amounts of marijuana or paraphernal
- 2063. Relating to unfair or deceptive telemarketing acts or practices

- 2073. Making it a felony to knowingly expose another individual to HIV
- 2095. Providing increased protections for the welfare of domestic animals
- 2114. Prohibiting civil rights violations based on disability, gender identity or sexual orientation
- 2138. Defend the Guard Act
- 2165. Relating to crimes against property
- 2171. Vulnerable Child Protection Act
- 2175. Removing the permit requirement for a person over 21 to possess a concealed handgun in a motor vehicle on school property
- 2176. Making it a criminal offense to escape or attempt to escape from the custody of a Community Corrections program
- 2184. Increasing the penalties for exposure of governmental representatives to fentanyl or any other harmful drug
- 2218. Creating an enhanced penalty for certain aggravated serious traffic offenses
- 2220. Providing that the sale and purchase of copper as scrap metal may not be completed with the payment of cash
- 2236. Relating to unlawful panhandling and solicitation
- 2239. Restricting the performance of abortions and acquiring, providing, receiving, otherwise transferring, or using fetal body parts
- 2253. Relating to forgery and other crimes concerning lottery tickets
- 2257. Relating to extended supervision for certain drug offenders
- 2262. Relating to the controlled substance monitoring database
- 2275. Eliminate the restriction to carry a firearm on the state capitol complex grounds.
- 2295. Relating to pecuniary interests of county and district officers, teachers and school officials in contracts
- 2310. Relating to death penalty for first degree murder
- 2328. Relating to criminal trespass
- 2335. Increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor
- 2339. Applying a stiffer penalty than simple assault or battery for assaults on officials at sporting events
- 2360. Increase criminal penalty for killing police/corrections officer in the line of duty.
- 2364. Permit teachers in K-12 schools be authorized to carry concealed firearms as a designated school protection officer
- 2365. Relating to accessories to a crime
- 2376. Allow concealed carry on and in capitol grounds
- 2377. Apply death penalty for first degree murder of law enforcement officer or first responder

- 2379. Make criminal invasion of privacy a felony
- 2380. Banning convicted sex offenders from driving taxis, ride share, limousines, and buses
- 2524. Modifying the definition of child abuse or neglect to exclude accidental injury
- 2550. Relating to the cultivation of medical cannabis
- 2552. Removing the one-time limit on the expungement of certain criminal convictions
- 2558. Creating a domestic violence registry
- 2571. Relating to the theft of consumer identity protections
- 2643. Making it a misdemeanor for a person to knowingly allow a felony drug offense to be committed on his or her property
- 2655. Expanding felony hate crime protections to individuals on the basis of perceived or actual sexual orientation
- 2684. Creating a duty to disclose by owners of property that knew or should have known that crystal methamphetamine production was occurring
- 2689. Granting convicted criminals the right to a retrial if scientific methods used to convict are later determined to be outdated or false
- 2738. Bias Motivated Intimidation of Responders Prosecution Act
- 2747. Transferring the Parole Board to the Office of Administrative Hearings
- 2766. Creating a felony crime relating to drug delivery resulting in death
- 2793. Permit out of state residents to obtain West Virginia concealed carry permits
- 2826. Define hate crime and make a felony
- 2827. Create an Anti-Bestiality law
- 2830. Relating generally to sex trafficking
- 2850. Establish a Corporate Crime division in the State Police
- 2859. Relating to reasonable force in defense of self, real and personal property
- 2863. Relating to the regulation of livestock branding
- 2869. To remove any mandatory mask mandate in West Virginia
- 2888. Relating to when contentions can be revived based on forensic scientific evidence that was not available at time of conviction
- 2894. Relating to the criminal offense of desecration of graves and vandalizing cemeteries
- 2912. Relating to cannabis and cannabis product sales, growth, and consumption in this state
- 2919. Protect privacy of those who store firearms in WV

- 3000. To allow circuit court judges with at least six years of service to conceal carry if they so desire
- 3015. Creating crime of “high in public”
- 3029. Relating to Seatbelt Admissibility
- 3038. Set the age for consent of marriage at 18 years of age
- 3060. Revise animal cruelty laws relating to chaining and tethering
- 3095. To create the "Protection of Property from Warrantless Searches Act”
- 3101. Preserve the constitutional right of West Virginian’s to be free from unlawful automotive searches
- 3106. To change the hearing requirement for misdemeanors to 10 days
- 3108. Establish the WV Constitution and the WV Code as the primary law in WV
- 3113. Removing certain drugs from schedule 1
- 3119. Relating to access of records in controlled substance monitoring
- 3121. Providing for collection of data regarding police encounters that are not traffic stops
- 3148. To create a renewable 2 year state level grant for foster parent screening
- 3158. To codify applicable sections of President Donald J. Trump’s Executive Order 13798: Promoting Free Speech and Religious Liberty into state code.
- 3161. Relating to online privacy protection for minors
- 3163. Second Look Sentencing Act
- 3164. Relating generally to kidnapping
- 3169. To provide a new criminal offense of sexual extortion and sexual extortion by a person holding a position of trust, supervisory authority, or disciplinary power over another person
- 3173. Relating to the addition of the word stalking
- 3188. Making expungement of records for certain defendants found not guilty or have had charges dismissed to occur without petitioning the court
- 3196. Ensuring those citizens qualified for an expungement receive the expungement they are entitled
- 3254. Authorizing members of development authorities to accept federally authorized reimbursement for services which the members rendered on a voluntary basis
- 3264. Provide for crime of impersonating non-public persons on social media
- 3280. Relating to assault with bodily fluids

DOMESTIC RELATIONS

- 2088. Relating to requiring a court to verify certain conditions are met before a child who has been removed from a home may be returned to that home.
- 2255. Allowing deductions to determine adjusted gross income for student loan payments or mortgage payments in determining child support
- 2274. Relating to abolishing spousal support
- 2312. Ensuring that legal or biological parents have equal access to any and all copies of birth registry forms
- 2510. The Parenting Fairness Act of 2021
- 2566. Creating a statutory right to petition circuit and family courts for sibling visitation
- 2883. To ensure that the WV Judiciary remains neutral and detached in matters related to allocation of custodial responsibility and decision-making responsibility of children
- 2931. Relating to standardizing the criteria for awarding spousal support
- 2952. Ensure that persons appointed as guardians ad litem in divorce and child custody and parenting cases are properly trained in certified courses of instruction with curricula grounded in the social science bases for determining the best interests of the child
- 3018. Providing for expungement of domestic violence pretrial diversions
- 3025. An affirmative defense to violation of a parenting plan is a de facto parenting plan
- 3038. Set the age for consent of marriage at 18 years of age
- 3054. Expanding definition of who may apply for grandparent visitation
- 3099. Relating to grandparents' rights to visit grandchildren
- 3261. Relating to adoption attorneys
- 3262. Allowing for child support arrears agreements that the Family Court must accept

ECONOMIC DEVELOPMENT

- 2019. Elevating Economic Development and Tourism Departments
- 2069. Economic and Community Development Task Force
- 2243. West Virginia Saving Money and Reducing Time Prize Program
- 2305. Creating a tax credit for hiring an ex-felon
- 2375. Relating to the State purchasing property around the Mount Storm merchant power plant
- 2514. Relating to the Rural Industrial Site Development Act
- 2533. Providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system

- 2544. Creating the West Virginia Small Business Jumpstart Act
- 2548. Requiring urban renewal authorities to submit proposed urban renewal projects to the affected local county boards of health
- 2644. West Virginia Innovation Free-Trade Business Technology Property Valuation Act and the West Virginia Innovation Free-Trade Tax Credit Act
- 2665. Be Exceptional Starting Today Act
- 2706. Authorizing and permitting the Economic Development Authority to make working capital loans from a revolving loan fund capitalized with federal grant funds including those federal grant funds received from the United States Economic Development Administration
- 2750. Transferring certain property to the Economic Development Office
- 2969. To clarify the procedures for the sale and operation of a municipally owned toll bridge by a private toll transportation facility
- 2971. Requiring the Department of Commerce to conduct a feasibility study for potential lakes to be built in West Virginia
- 3004. To create the “Fair Food Delivery Act”
- 3007. Create Pilot Program for Remote Workers
- 3070. Reducing federal taxable income subject to the corporate net income tax for businesses relocating from China to West Virginia
- 3117. Establish technology/remote work tax deduction from state income tax
- 3168. Creating small business and minority populations economic and workforce development taskforce
- 3198. Establishing a program to facilitate the recovery of areas of the state that have been impacted by the reduction of coal production and consumption
- 3203. WV Small Business COVID Relief Act
- 3210. Department of Commerce to assist qualified tourism projects
- 3241. Big Creek Cape Coalwood Commission

EDUCATION

- 2066. Providing school days for registering eligible students to vote and to provide transportation to voting places
- 2206. Discontinuing the use of common core standards and assessments in the state
- 2210. Exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax

EDUCATION (HIGHER)

- 2033. Establishing matrix necessary for an institution of higher education to become exempt from the Higher Education Policy Commission
- 2061. Katherine Johnson College Award Program
- 2084. Amend section providing for waiver of tuition and fees for older persons auditing certain college classes.
- 2110. Relating to senior citizens attending college classes at state institutions without receiving college credit
- 2140. Redirecting excise tax revenue on bottled soft drinks from West Virginia University schools to the Public Employees Insurance Agency
- 2233. Coordinating a plan to provide the first two years of post-secondary education for free
- 2279. Establishing a higher education scholarship program for foster children
- 2308. Creating the Business PROMISE+ Scholarship
- 2315. Relating to PROMISE Scholarship Program requirements
- 2484. Relating to relocation or closure of state higher education institutions
- 2486. Qualifying not-for-profit private baccalaureate institutions for the Advanced Career Education Programs and the WV Invests Grant Program
- 2487. Creating a Campus Mentors pilot program
- 2529. Prohibiting West Virginia institutions of higher education from discriminating against graduates of private, nonpublic or home schools by requiring them to submit to alternative testing
- 2583. Authorizing student athletes to be compensated for use of their name, image or likeness
- 2586. Expanding the amount of promise scholarship funds awarded to persons majoring in science, technology, engineering and mathematics
- 2604. Expand 529 savings plans to include vocational and trade schools
- 2657. Relating to the Antihazing Law
- 2658. Mountaineer Games Sports League
- 2734. Require all athletes to perform in sport of the sex they were born
- 2746. Establishing the behavioral health workforce education initiative at the Higher Education Policy Commission
- 2771. Creating the Economic Development Tuition Waiver
- 2805. Making Pierpont Community and Technical College a division of Fairmont State University known as the Pierpont College of Community and Technical Education

- 2832. Protecting political ideas and speech in the hiring process at schools and universities
- 2870. Requiring county boards of education to make vocational classes available to private school students of the appropriate grades as space is available.
- 2923. Relating to Social Media privacy and educational institutions
- 2978. Gun carry allowed on college campuses
- 3019. Creating the Campus Free Expression Act
- 3022. The Campus Self Defense Act
- 3150. To cap the cost of in-state tuition for West Virginia universities and colleges who receive in state funding
- 3157. The Forming Open and Robust University Minds (FORUM) Act
- 3225. Hunger-Free Campus Act

EDUCATION (K12)

- 2001. Relating generally to creating the West Virginia Jumpstart Savings Program
- 2012. Relating to public charter schools
- 2013. Relating to the Hope Scholarship Program
- 2039. Expunging records of unsubstantiated complaints made by the Department of Health and Human Resources against teachers
- 2040. Adopting and implementing a “Heat and Humidity Practice Policy” for all interscholastic athletic events
- 2057. Establishing the Summer Feeding for All initiative
- 2066. Providing school days for registering eligible students to vote and to provide transportation to voting places
- 2070. Relating to mandatory drug testing for state legislators and teachers
- 2071. Eliminating the requirement that schools be closed on election days
- 2079. Providing equitable distribution to county boards of education of reimbursement costs of special needs students
- 2080. “Bank Time” used in reaching 180 instructional requirement
- 2089. Defining a work day for school service personnel and removing a provision relating to employment of licensed practical nurses
- 2092. Requiring each high school student to complete a full credit course of study in personal finance
- 2097. Relating to calculating net enrollment for home-school students enrolled in one virtual school course in the public school system
- 2109. Relating to vocational and technical education programs
- 2118. Providing school days to register and transport eligible students to vote

- 2125. Creating a School Consolidation Task Force
- 2141. Relating to participation in school sports
- 2143. Declaring a shortage of qualified bus operators and allowing retired bus operators to accept employment
- 2144. Modifying the definitions and pay grades of certain school cafeteria personnel
- 2145. Relating to student aide class titles
- 2152. Requiring test in civics to graduate high school or obtain GED
- 2155. Creating three separate job titles for school bus operators
- 2157. Forbidding displays relating to sexuality in public school facilities and forbidding the teaching of sexuality in public schools
- 2160. Issuing identification documents to homeless individuals residing at homeless shelters
- 2161. Relating to the removal of standardized testing in public schools
- 2245. Relating to the West Virginia Secondary School Activities Commission
- 2246. Prohibiting manufacturing plants from locating within two air miles of an existing public school
- 2247. Requiring the authority to obtain approval from county board of education for agreements that involve tax revenues expended for public schools
- 2267. Establishing an optional bus operator in residence program for school districts
- 2268. Changing the recommended guidelines for full-day and half-day cooks to the minimum ratio of one cook for every 110 meals
- 2271. Requiring compulsory immunization of public school children
- 2304. Changing the school aid formula allowances for instructional technology and for AP and dual credit courses
- 2314. Relating to teacher salary enhancement
- 2320. Relating to mandatory drug testing of all classes of employees in K through 12 schools
- 2321. Education Savings Account Act
- 2345. Requiring each county school board to employ at least one full time school nurse
- 2357. Requiring all schools to instruct students on the Holocaust and other genocides
- 2362. Implementing trauma-informed practices in schools
- 2364. Permit teachers in K-12 schools be authorized to carry concealed firearms as a designated school protection officer
- 2367. Creating the Homeschool Credential Recognition Act
- 2381. Authorizing the suspension or dismissal of school personnel who retaliate against a student or parent who has made a complaint

- 2501. Suspend School Aid Funding Formula implementation until budget year 2024
- 2506. Establish a max ratio of the number employees of the Dept of Education to the number of students
- 2541. Requiring seat belts on every new school bus
- 2543. Relating to calculation of the school aid formula based on net enrollment
- 2546. Relating to education to children and adults housed in correctional facilities and regional jails
- 2555. Relating to required courses of instruction
- 2564. Requiring free feminine hygiene products in grades 6 through 12
- 2576. Creating the Virtual Public Schools Act
- 2577. Create the Statewide Online Education Act
- 2584. Prohibiting the home schooling of children in certain circumstances
- 2623. Providing a tax credit to encourage new teachers to remain in the state
- 2638. Granting full time employees of county boards of education three months of paid leave following the birth of a child
- 2650. Establishing a pilot program to develop school-based mental and behavioral health services
- 2651. Creating a pilot program for expansion of school-based mental health and school-based diversion
- 2652. Modifying the school calendar
- 2659. Granting jurisdiction to supervise youth sport league events to county boards of education and the Secondary School Activities Commission
- 2676. Relating to participation in athletic events exclusively for males and females
- 2690. To provide that out of school suspensions be considered “excused” absences
- 2702. To require all public high school students to complete and submit a free application for federal student aid (FAFSA) prior to graduation
- 2704. Creating the “Civic Minded Mountaineer Scholarship.”
- 2712. Modifying the school calendar to begin not earlier than September 1 and end no later than June 7
- 2728. Require all vaccinations for school attendance be included in the West Virginia code
- 2734. Require all athletes to perform in sport of the sex they were born
- 2748. Modifying the school calendar to begin not earlier than September 1 and end no later than June 1

- 2755. Requiring the State Board of Education to provide for the routine education of all professional educators
- 2785. Relating to public school enrollment for students from out of state
- 2806. To allow parents to retain their child without losing a year of sports eligibility
- 2815. Requiring air conditioning on all school buses
- 2824. Relating to public school education assessment of students for dyslexia and dyscalculia
- 2832. Protecting political ideas and speech in the hiring process at schools and universities
- 2852. Relating to distribution of the allowance for increased enrollment
- 2870. Requiring county boards of education to make vocational classes available to private school students of the appropriate grades as space is available.
- 2886. Replacing minimum minutes of instructional time required per day with a flexible requirement based upon the completion of classroom or other equivalent work
- 2887. COVID liability protections for schools
- 2917. Require anyone participating in high school or middle school sports to play per their biological birth gender
- 2930. Require the School Improvement Council appoint two members to a Selection Committee
- 2937. Requiring a vote on school closure or consolidation in certain circumstances
- 2939. Clarify “out-of-school” time programs.
- 2949. Providing supplemental education through learning pods
- 2973. To modify the teacher retirement system so that Tier 2 teachers may use annual/sick leave towards retirement
- 2994. Relating to the special community development school pilot program
- 2995. Create two readily identifiable pathways to better prepare high school students for their chosen career path
- 3006. Creating a homeless education coordinator for county schools
- 3009. Relating to the publication of county board financial statements
- 3017. Remove homeschool testing and portfolio requirements
- 3048. Allow a school district to develop or adopt a program in which the subject of nutrition and exercise education is taught
- 3073. Relating to West Virginia Emergency School Food Act
- 3074. Relating to information on organ and tissue donations
- 3087. Allow teachers to retire earlier from public school system to teach in a public charter school

- 3096. Requiring county boards of education to publish its sponsored programs and the number of students permitted to participate
- 3102. Requiring Director of transportation to have experience in transportation department
- 3103. Educational Employee Tax Credit
- 3109. Salary increase for teachers and school service personnel
- 3110. Student Suicide Prevention - ID Cards
- 3111. Supporting Students Who Are Parents Act
- 3114. Direct West Virginia State Board of Education to require proof of vision examination before child is enrolled in public or private school
- 3125. Mandating that teachers receive supplemental pay for compelled teaching outside of established schedule
- 3126. Public School Protection Act
- 3156. To ban The Prevalent and Intrusive Chinese Communist Parties Confucius institutions in West Virginia
- 3177. Removing expired, outdated, inoperative and antiquated provisions and report requirements in education
- 3187. Prohibit parents from being restricted from monitoring virtual public education classrooms
- 3199. To establish gender guidelines for public school restrooms
- 3202. To allow public high schools to have full time athletic trainers
- 3207. Protecting teacher work schedules
- 3217. Student Rescue Act
- 3221. To modify the state special education appropriation to counties for special education students who are wards of the state and who require out of state placement
- 3232. To establish cultural competency training for teachers obtaining or renewing a teaching license in West Virginia
- 3236. Relating to pay for Board of Education members
- 3252. Establish the Commission on American History Enrichment
- 3258. Requiring party affiliation on school board elections
- 3266. Providing for termination of extracurricular contact upon retirement
- 3271. Providing that the WVSSAC promulgate rules relating to the right to broadcast interscholastic athletic events
- 3282. Establish caps on the numbers of students per classroom at all grade levels
- 3284. To differentiate the roles of public high school teachers
- 3285. To provide for the HSTA scholarships

ELECTED OFFICIALS

2610. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists

ELECTIONS

2066. Providing school days for registering eligible students to vote and to provide transportation to voting places
2107. West Virginia Native American Tribes Unique Recognition, Authentication and Listing Act
2118. Providing school days to register and transport eligible students to vote
2119. Relating to electioneering or distributing literature at early voting locations
2120. Ensuring health insurance coverage for residents with preexisting conditions
2122. Implementing The Agreement Among the States to Elect the President and Vice President by National Popular Vote
2147. Providing that the Division of Motor Vehicles identification cards be issued at no cost
2215. Allowing a group of affiliated voters to become a recognized political party under certain criteria
2248. Prohibiting payroll deductions to electioneering organizations
2352. Providing for political party platforms to be placed on ballots for certain primary elections
2354. Relating to political party committees
2372. Allow pre-candidacy papers to be filed the day after the general election
2525. Requiring all local special elections to be held on the days and hours of general, primary or state-wide elections
2572. Requiring elections to increase levies have to coincide with a primary or a general election
2592. Require Counties and Municipalities to hold all local elections during statewide elections
2602. Require special elections to be held same day as primary or general election
2607. Require all registered voters to produce a photo ID to vote in all public office elections
2625. Permitting election day registration of voters
2666. Clarifying who may absentee vote
2814. Election Security, Access, and Modernization Act of 2021
2841. Campaign Finance Reform
2864. Remove felonies from reason to disqualify from voting

- 2913. Social Media Integrity and Anti-Corruption in Elections Act
- 2921. Permitting anyone over 65 to vote absentee
- 2922. Adding Security expenses to campaign finance expense
- 2927. Adding Caregiving expenses to campaign finance expense
- 2928. The purpose of this bill is to permit registered voters to vote an absentee ballot by mail in all circumstances
- 2929. Allowing the Secretary of State's office to transmit electronically the total ballots cast, counted, and rejected
- 2937. Requiring a vote on school closure or consolidation in certain circumstances
- 2945. To move back the deadline for a candidate to make a party switch to run in the GOP primary to 6 months before the filing date
- 3083. To require a run-off election in certain circumstances
- 3136. Repeal code relating to wagering or betting on elections
- 3154. To restrict what charities candidates may contribute to with excess campaign cash
- 3160. Creating online voters' guide
- 3215. Amending the requirements to become an elected prosecutor
- 3233. Prohibit electronic ballots
- 3257. Faithless Elector law
- 3258. Requiring party affiliation on school board elections

ENERGY

- 2132. Relating to horizontal well control standards
- 2227. Prohibiting blasting within 625 feet of an occupied dwelling
- 2244. Relating to a tax rebate for facilities or processes that result in additional employment and an additional demand for electrical power
- 2287. Providing for solar energy production on formerly mined land
- 2342. Establishing and implementing a program to require bonding sufficient to reclaim abandoned wind generation facilities and solar generation facilities
- 2589. Create the Orphan Well Prevention Act of 2021
- 2667. To create a cost saving program for state buildings regarding energy efficiency
- 2713. WV 2021 Plan for Securing WV Coal Supplies
- 2959. Relating to the financing of environmental pollution control equipment for coal-fired power plants
- 3062. Relating generally to coal fired energy plants and wind power
- 3084. Providing commercial discrimination of producers of coal, gas, oil, carbon-based energy, and other products in the State of West Virginia

- 3147. Increasing the tax on the privilege of severing natural gas and oil
- 3214. Reallocating and dedicating three percent of oil and gas severance tax revenues to the oil and gas producing counties
- 3239. Promoting the long term development of a more diversified energy generation and production portfolio in this state

ENVIRONMENT

- 2074. Implementing the recommendations of the studies required by the Natural Gas and Horizontal Well Control Act
- 2102. Relating to required notices for air quality permits prior to the permit being granted
- 2105. West Virginia Beverage Container Recycling and Litter Control Act
- 2234. Requiring public hearing for applicant for air quality permit relating to facility of certain investment value
- 2316. Allowing access to the Department of Environmental Protection's electronic submission system
- 2533. Providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system
- 2562. Relating to litter control
- 2589. Create the Orphan Well Prevention Act of 2021
- 2598. Altering the definition of an above ground storage tank
- 2599. Establish fee Retailers to Pay Wholesalers for purchase of plastic bags
- 2630. Requiring DEP to reimburse fines paid by towns, villages and communities in certain instances
- 2647. Prohibiting the use of polystyrene containers
- 2654. Relating to rulemaking for healthcare plans
- 2662. Prohibiting certain devices which enhance a diesel-powered vehicle's capacity to emit soot
- 2725. Relating to funding for the DEP Office of Oil and Gas
- 2756. Allowing increased civil administrative penalties to be promulgated by legislative rules of by the Department of Environmental Protection
- 2757. Clean Drinking Water Act of 2020
- 2825. Shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities
- 2975. Relating to Well Location Restrictions
- 2980. Amend Groundwater Protection Act to cover Karst Terrain
- 3082. Stabilizing funding sources for the DEP Division of Air Quality
- 3206. Provide a safe process for organic waste composting

- 3235. To establish the Vegetable Garden Protection Act
- 3269. To require the Department of Environmental Protection to assume responsibility of cost and permitting of dams that are deemed to be under state control

ENVIRONMENTAL PROTECTION

- 2199. Creating the Intrastate Coal and Use Act

ESTATES AND TRUSTS

- 3050. Relating to the intestate share of a decedent's surviving spouse

ETHICS

- 2295. Relating to pecuniary interests of county and district officers, teachers and school officials in contracts
- 2610. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists
- 2944. Providing for the registration of lobbyist interns
- 2964. Prohibit road signs that include public official's name and likeness
- 3154. To restrict what charities candidates may contribute to with excess campaign cash
- 3220. Restrictions on Taxpayer funded lobbying

FINANCE AND ADMINISTRATION

- 2198. Prohibiting employees of the state who have convictions for driving under the influence from driving or operating state owned vehicle
- 2225. Authorizing local units of government to adopt local energy efficiency partnership programs
- 2269. Creating a state-wide email address directory
- 2331. Requiring contractors performing work for government contracts on computers use software to verify the hours
- 2338. Adding pasteurized milk and other dairy foods produced or processed in West Virginia to the list of items required to be purchased by all state-funded institutions
- 2528. Requiring purchases to be made at lowest retail price available at level of quality sought by the spending unit
- 2573. Relating generally to the transparency and accountability of state grants to reduce waste, fraud, and abuse
- 2600. Require all public contracts be publicly advertised
- 2613. Providing that the Jobs Investment Trust Board be part of the Department of Commerce

- 2661. Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash
- 2709. Providing that the aggregate liability of a surety on a consumer protection bond under the West Virginia Fintech Regulatory Sandbox Program does not exceed the principal sum of the bond
- 2745. Exempting the Division of Emergency Management from the Purchasing Division for purposes of examination and approving contracts of the Division of Emergency Management
- 2763. Creating WV Cyber Incident Reporting
- 2786. Relating to Powers and Duties of the Chief Technology Officer
- 2787. Authorizing the Director of the Division of Purchasing to increase or Decrease the dollar limit of agency-delegated procurements based upon inspection
- 2822. Requiring state purchases of certain items to be made from authorized dealers in this state
- 2933. Anti-Discrimination Against Israel Act
- 2936. To permit the Board of Treasury Investments to compensate appointed members for each meeting attended and to eliminate certain outdated and contradictory investment restrictions.
- 3008. Prohibit the removal of a state government facility in a small community without an impact study
- 3059. Making contract consummation with state more efficient
- 3135. Make gold and silver legal tender in WV
- 3148. To create a renewable 2 year state level grant for foster parent screening
- 3154. To restrict what charities candidates may contribute to with excess campaign cash
- 3209. Excepting persons previously commissioned as a notary public from requirement to have a high school diploma or its equivalent in order to be recommissioned as a notary public
- 3256. To create a state level government grant for safe houses to be implemented in the State of West Virginia

FIREARMS

- 2197. West Virginia Firearms Freedom Act

GOVERNMENTAL AGENCIES

- 2610. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists

GOVERNOR -- BILLS REQUESTED BY

- 2018. Relating generally to economic development loans and loan insurance issued by state
- 2022. Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution
- 2025. Provide liquor, wine, and beer licensees with some new concepts developed during the State of Emergency utilizing new technology to provide greater freedom to operate in a safe and responsible manner
- 2026. Relating to the modernization of the collection of income taxes by adopting uniform provisions relating to the mobile workforce
- 2027. Relating to personal income tax reduction
- 2359. Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act
- 2768. Supplementing, amending and increasing an existing item of appropriation from the State Road Fund, to the Department of Transportation, Division of Highways
- 2769. Supplementing, amending and increasing items of existing appropriation from the State Road Fund to the Department of Transportation, Division of Motor Vehicles
- 2788. Expiring funds to the unappropriated surplus balance from State Excess Lottery Revenue Fund
- 2789. Supplementing and amending the appropriations to Public Defender Services
- 2790. Supplementing, amending, decreasing, and increasing items of existing appropriation to Division of Highways
- 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
- 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
- 2804. Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2021
- 2895. Supplementing and amending the appropriations of public moneys to the Department of Veterans' Assistance
- 2896. Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services
- 2897. Expiring funds to the balance of the Department of Commerce

- 2898. Making a supplementary appropriation to WorkForce West Virginia – Workforce Investment Act
- 2899. Making a supplementary appropriation to the Department of Commerce
- 2900. Expiring funds to the balance of the Department of Education – State Board of Education – School Building Authority – School Construction Fund
- 2901. Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services
- 2902. Making a supplementary appropriation to the Public Service Commission
- 2903. Making a supplementary appropriation to the Department of Homeland Security, West Virginia State Police
- 2920. Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund
- 2940. Making a supplementary appropriation to the Department of Education, State Board of Education – State Department of Education
- 2941. Supplementary appropriation decreasing an existing item and adding a new item of appropriation to the Department of Revenue, Insurance Commissioner
- 3286. Making a supplementary appropriation to the Division of Human Services – Child Care and Development
- 3287. Making a supplementary appropriation to the Department of Homeland Security
- 3288. Supplementing and amending appropriations by decreasing and increasing existing items of appropriation in the DHHR
- 3289. Supplementary appropriation to the Department of Commerce, Geological and Economic Survey
- 3290. Supplemental appropriation decreasing existing items of appropriation and adding new items of appropriation in the Department of Health and Human Resources
- 3291. Making a supplementary appropriation to the Department of Homeland Security, Division of Administrative Services
- 3292. Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health
- 3295. Making a supplemental appropriation to Division of Human Services and Division of Health Central Office
- 3296. Decreasing and increasing appropriations to the Executive, Governor’s office

- 3297. Making a supplemental appropriation to the Department of Veterans' Assistance - Veterans Home
- 3298. Making a supplemental appropriation to Dept. of Commerce, Dept. of Education, Senior Services and Civil Contingent Fund
- 3313. Making supplemental appropriation to the Division of Motor Vehicles
- 3314. Making supplemental appropriation to West Virginia State Police
- 3315. Making supplemental appropriation to Division of Environmental Protection - Oil and Gas Reclamation Fund
- 3317. Making supplementary appropriation to West Virginia Commuter Rail Access Fund

HAZARDOUS MATERIALS

- 2131. Clarifying that the county or regional solid waste authority that may impose and collect an additional solid waste assessment fee is the county or region where the waste originates

HEALTH

- 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
- 2005. Relating to health care costs
- 2015. Requiring rules of local boards of health to be approved by the county commission except in cases of a public health emergency
- 2024. Expand use of telemedicine to all medical personnel
- 2034. Establishing a comprehensive addiction recovery center certification and grant program in this state
- 2054. Requiring parents or guardians to participate in programs for juveniles in an out-of-home placement
- 2077. Eliminating the certificate of need program
- 2078. Nondiscrimination in Involuntary Denial of Treatment Act
- 2083. Relating to age verification requirements for delivery sales of tobacco
- 2085. Relating to tobacco usage restrictions
- 2087. Relating to requiring the Office of Health Facility Licensure and Certification to inspect office-based medication-assisted treatment programs at least every 24 months.
- 2093. Relating to exemptions for the United States Department of Veterans Affairs Medical Foster Homes
- 2106. Modifying legislative rules for vital statistics relating to death certificates
- 2169. Life at Conception Act of 2021

- 2173. Health Care Transparency Act
- 2182. Relating to the Ryan Brown Fund
- 2183. Relating to posting of information regarding the WV Tobacco Quitline
- 2186. Relating to tobacco usage restrictions
- 2219. Relating to requiring pharmacist to check the Controlled Substance Monitoring Database.
- 2228. Assessing the health impact of any new air or water rule, or modification of an existing air or water rule, proposed by the Department of Environmental Protection
- 2239. Restricting the performance of abortions and acquiring, providing, receiving, otherwise transferring, or using fetal body parts
- 2264. Hospital exemptions from certificate of need
- 2272. Informed Consent Protection Act
- 2278. Creating a Children's Health Insurance Program buy-in program for children of families above 300 percent of the federal poverty level
- 2280. Involuntary drug and alcohol treatment
- 2284. Creating a state-administered wholesale drug importation program
- 2289. Relating to compulsory immunizations
- 2291. Relating to legalizing cannabis production, sales and adult consumption
- 2311. Requiring prescriptions be made by electronic means
- 2346. Relating to the Medical Cannabis Act
- 2349. Authorizing a medical power of attorney representative to sign a binding arbitration agreement
- 2356. Relating to the use of medical cannabis
- 2368. Mylissa Smith's Law, creating patient visitation privileges
- 2489. The Genealogical Record Integrity Act of 2020
- 2500. Create an act for Statewide Uniformity for Auxiliary Container Regulations
- 2517. Removing marijuana as a tested substance from the screening requirements
- 2534. Authorizing possession and smoking of medical cannabis by approved persons
- 2550. Relating to the cultivation of medical cannabis
- 2611. Establishing the Minority Health Advisory Team
- 2614. Creating the Office of Quality Assurance and Evaluation for child welfare programs within the Department of Health and Human Resources
- 2615. Relating to the program for drug screening of applicants for cash assistance

- 2616. Amend the reporting to the Governor and the Legislature to have information continuously available on the Office of Health Facility Licensure and Certification's website
- 2619. Update the code to reflect that the Health Care Authority is now part of the organizational structure of the Department of Health and Human Resources
- 2634. Coverage for the treatment of chronic pain
- 2639. Workplace Violence Prevention for Health Care and Social Service Workers Act
- 2651. Creating a pilot program for expansion of school-based mental health and school-based diversion
- 2658. Mountaineer Games Sports League
- 2659. Granting jurisdiction to supervise youth sport league events to county boards of education and the Secondary School Activities Commission
- 2660. Creating a policy on vaccine preventable diseases
- 2664. Screening for adverse childhood experiences
- 2672. Relating to posting of safety information in hospitals
- 2679. Relating to cause of action for the spread of a communicable disease
- 2692. To allow for coverage of addiction telehealth services to out-of-state providers
- 2700. Informing water customers of boiled water advisories
- 2705. Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments
- 2728. Require all vaccinations for school attendance be included in the West Virginia code
- 2731. Provide for disclosure of potentially harmful ingredients in menstrual products
- 2752. Prohibiting discrimination in access to organ transplants based on physical or mental disability
- 2754. Prohibiting smoking in an enclosed motor vehicle when a child under the age of eight is present
- 2783. Permitting a licensed physician to grant a medical exemption from the required immunizations for a child to enter a school or a state-regulated child care center
- 2798. Relating to requiring the Health Department to mandate mucopolysaccharidosis type 1 (MPS1) test for newborn babies, to be known as Embie's Law
- 2813. Relating to employees of local boards of health
- 2817. Donated Drug Repository Program

- 2818. Solemn Covenant of the States to Award Prizes for Curing Diseases
- 2820. Relating to oversight of syringe exchange programs by the Department of Health and Human Resources
- 2835. Requiring the construction, development, acquisition or other establishment of an alcohol or drug treatment facility and drug and alcohol treatment services to obtain a certificate of need
- 2839. Establish Recovery Can't Wait Program
- 2869. To remove any mandatory mask mandate in West Virginia
- 2876. Modify the five-year waiting period and 100-person minimum for an association health plan, and to allow new flexibility granted under federal rules
- 2877. Expand direct health care agreements beyond primary care to include more medical care services
- 2880. Modifying the definition of telemedicine and telehealth by individuals with a disability and individuals with a sensory impairment
- 2881. Removing Hepatitis B from the list of required vaccinations
- 2927. Adding Caregiving expenses to campaign finance expense
- 2954. Abortion permitted only in certain instances
- 2967. Permitting certain felons to work in licensed behavioral health facilities
- 2968. To allow Veterinarian Tele-Health in West Virginia
- 2982. Relating to the Second Chances at Life Act of 2021
- 2983. Permit licensed occupational therapy assistants to work as IDDW agency staff when working under the supervision of licensed occupational therapist.
- 2992. To create the "Tobacco Cessation Initiative Program Special Revenue Account"
- 3024. Prohibit abortions based on down syndrome
- 3032. Prohibiting discrimination based on an individual's mental or physical disability in access to organ transplantation
- 3033. Youth Mental Health Protection Act
- 3038. Set the age for consent of marriage at 18 years of age
- 3043. Relating to transport of persons accused of being mentally ill to mental health relating hearings
- 3044. Expanding types of cancers as rebuttable presumption for injuries, diseases for professional firefighters
- 3074. Relating to information on organ and tissue donations
- 3091. Requiring Compliance with Generally Accepted Standards of Care
- 3092. Creating Emergency Healthy Families and Workplaces Act

- 3114. Direct West Virginia State Board of Education to require proof of vision examination before child is enrolled in public or private school
- 3138. To update the requirements of the state director of health to quarantine and enforce regulations in a specific place
- 3145. Providing certain exemptions from recovery residence standards for group housing facilities of 50 beds or more
- 3170. Relating to wholesale importation of prescription drugs
- 3182. Require insurance companies pay for telemedicine and in-person treatment and evaluation at the same rates
- 3184. Including workers' compensation providers in the insurance prior authorization process
- 3193. Relating to obtaining an appropriate gender marker for state documents
- 3205. Relating to medical marijuana
- 3227. To provide a means to classify when medications should be continued or stopped for patients
- 3228. To require a new written, phoned, or e-mail prescription order within 72 hours of a prescription change
- 3229. To require all prescribers of medication to include their purpose for prescribing the medication to the patient
- 3238. Establish Food Waste Task Force
- 3248. Eliminating the food handler examination and card
- 3259. Prohibit state funding for any organization that performs abortions
- 3265. Require an ultrasound prior to abortion
- 3276. Creating parity for mental health services
- 3277. To amend the existing health insurance clean claims law to include workers' compensation providers

HUMAN RIGHTS

- 2062. Creating a Small Business and Minority Populations Economic and Workforce Development Taskforce
- 2068. Establishing a special memorial day to be known as Juneteenth honoring human rights and the end of slavery in the United States
- 2128. Family Protection Act
- 2159. Preserving and protecting the right to keep and bear arms
- 2169. Life at Conception Act of 2021
- 2202. Creating the West Virginia Intrastate Commerce Improvement Act
- 2230. The Healthy and Safe Workplace Act
- 2231. Prohibiting confidential settlement terms of a contested case involving sexual harassment, sexual abuse, or sexual assault in a state administrative proceeding

- 2368. Mylissa Smith’s Law, creating patient visitation privileges
- 2520. Requiring the Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person
- 2537. Preserving and protecting the right to keep and bear arms
- 2538. Adding “sexual orientation” and “gender identity” to the categories covered by the Human Rights Act
- 2545. West Virginia Religious Freedom Restoration Act
- 2594. Creating the Unborn Infants Wrongful Death Act
- 2595. Prohibit “divisive concepts” from schools, state agencies and any groups receiving state funding
- 2693. Eliminating the Human Rights Commission
- 2694. Create the 2nd Amendment Preservation Act
- 2697. Relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act
- 2698. Making it illegal to discriminate based on hair texture or hair style
- 2739. Make WV a 2nd Amendment Sanctuary State
- 2752. Prohibiting discrimination in access to organ transplants based on physical or mental disability
- 2872. Relating to statute of limitations for discrimination
- 2878. Establishing a task force to study and develop reparation proposals for African-Americans
- 2998. Relating to unlawful discriminatory practices covered by Human Rights Act and Fair Housing Act
- 3003. Relating to the definition of employer for sexual harassment purposes
- 3023. Places of worship may not be shut down by state of emergency
- 3028. Right to travel bill
- 3047. Make WV a Second Amendment Sanctuary State
- 3141. Designating February 3 as “Freedom Day,” to memorialize the February 3, 1865 Act by the Legislature that abolished slavery in West Virginia
- 3197. Allow Religious Exemptions for vaccines

HUMAN SERVICES

- 2067. Relating to designation of social workers in the Department of Health and Human Services
- 2127. Relating to the state’s Medicaid Home and Community-Based Services Intellectual/Developmental Disability Waiver
- 2146. Providing a tax credit for families who have foster children
- 2149. Allowing a personal income tax deduction for a foster care child
- 2193. Creating a litigation practice license for social workers

- 2241. Affordable Medicaid Buy-In Program
- 2261. Placing a moratorium on new patients admitted to state facilities
- 2290. Initiating a State Employment First Policy to facilitate integrated employment of disabled persons
- 2355. Establishing a tax deduction against corporation net income tax for retail food distributors that donate to school “backpack programs”
- 2542. Relating to wages of persons with disabilities
- 2560. Requiring the Public Employees Agency and other health insurance providers to provide mental health parity
- 2664. Screening for adverse childhood experiences
- 2753. Provide programs to educate senior citizens
- 2817. Donated Drug Repository Program
- 2911. Relating to eligibility verification for applicants for public assistance
- 2967. Permitting certain felons to work in licensed behavioral health facilities
- 3020. Require photo identification on all EBT cards
- 3049. Increase nutrition rates for Senior services
- 3111. Supporting Students Who Are Parents Act
- 3112. Requiring Trauma-informed Employee training for employees of Division of Corrections and Rehabilitation
- 3120. Providing for continuity of medical care for newly-incarcerated people
- 3170. Relating to wholesale importation of prescription drugs
- 3201. Creating the Food Infrastructure Grant
- 3212. Establish a system to fund and provide childcare for workers in “essential positions.”
- 3221. To modify the state special education appropriation to counties for special education students who are wards of the state and who require out of state placement
- 3278. Create Intergenerational Poverty Task Force
- 3279. Incentivizing the Sale of Healthy, Local Produce

INFRASTRUCTURE

- 2168. Relating to the transfer of certain revenues derived from lottery activities generally, restoring distribution to the West Virginia Infrastructure Fund to 2013 rates and decreasing the funds available for grants therefrom

INSURANCE

- 2103. Establishing an insurance program for health and medical insurance coverage to be offered in counties with limited insurance providers
- 2120. Ensuring health insurance coverage for residents with preexisting conditions
- 2124. Requiring licensees authorized to serve alcoholic liquors or nonintoxicating beer to have certain liability insurance coverage
- 2134. Providing that state retirees' insurance benefits be restored to the benefit levels that existed in 2015
- 2148. Imposing a general data mining service tax on commercial data operators
- 2153. Permitting former members of the Legislature to remain eligible for insurance plans at full cost to the member and at no cost to the state
- 2166. Reducing the cost of prescription drugs
- 2170. Relating to insurance unfair trade practices
- 2221. Relating to the establishment of an insurance innovation process
- 2252. Requiring Medicaid and insurance coverage for treatment of pediatric autoimmune neuropsychiatric disorders
- 2263. Update the regulation of pharmacy benefit managers
- 2266. Relating to expanding certain insurance coverages for pregnant women
- 2281. Modifying the method of calculation of the employer and employee contribution percentages for public employee insurance premiums
- 2337. Requiring medical insurance providers to include infertility services in their policies
- 2531. Prohibiting use of a person's credit history in certain insurance transactions
- 2557. Increasing access to contraceptive drugs, devices, and procedures
- 2560. Requiring the Public Employees Agency and other health insurance providers to provide mental health parity
- 2663. Relating to insurance coverage for breast cancer screening
- 2681. Authorizing the Insurance Commissioner to transfer moneys from the Insurance Commission Fund into the Workers' Compensation Old Fund to reduce any deficit balance of the Old Fund
- 2682. Relating to the issuance of license suspensions to insurance producers and insurance adjusters who have failed to meet continuing education requirements
- 2708. Relating generally to required health insurance coverage for diabetics

- 2718. Better protect citizens in the event of a car accident with an uninsured motorist
- 2758. Requiring the Insurance Commissioner to regulate professional bondsmen
- 2776. Creating the Air Ambulance Patient Protection Act
- 2807. Relating to pharmaceutical rebates
- 2843. Require medical malpractice insurers to establish a separate insurance pool for doctors who conduct abortions
- 2846. A bill dedicating 25% of insurance tax revenue to the PEIA Rainy Day Fund
- 2875. Relating to changes to provider contracts related to health benefit plans and Medicaid managed care plans
- 2965. Requiring PEIA, Medicaid and other health insurance providers to cover treatment of pediatric autoimmune neuropsychiatric disorders
- 3001. Creating the Affordable Medicaid Buy-in Program
- 3037. Hearing Enhancement Aid Reimbursement Act (HEAR)
- 3085. Consolidating positions of Inspector General of Workers' Compensation Commission's Fraud and Abuse Unit and the position of Director of the Insurance Fraud Unit
- 3186. Relating to PEIA inpatient rates

JUVENILES

- 2088. Relating to requiring a court to verify certain conditions are met before a child who has been removed from a home may be returned to that home.
- 2094. Relating to the juvenile restorative justice programs
- 2196. Providing a tax credit for families who have foster children
- 2260. Relating to procurement of child placing services
- 2317. Requiring the Department of Health and Human resources to pay the attorney fees of an adoptive parent in a subsidized adoption
- 2335. Increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor
- 2363. Relating to "Best Interests of the Child Protection Act of 2021"
- 2553. Relating to the juvenile justice reform oversight committee
- 2566. Creating a statutory right to petition circuit and family courts for sibling visitation
- 2620. Relating to a departmental study of the child protective services and foster care workforce
- 2651. Creating a pilot program for expansion of school-based mental health and school-based diversion

- 2687. To prohibit minors from dropping out of high school unless they are emancipated
- 2885. Requiring DHHR, in the absence of extenuating circumstances, to notify the parents upon the death of a child in foster care
- 2894. Relating to the criminal offense of desecration of graves and vandalizing cemeteries
- 3038. Set the age for consent of marriage at 18 years of age
- 3148. To create a renewable 2 year state level grant for foster parent screening
- 3189. Establishing requirements for confining juveniles in juvenile facilities
- 3204. Relating to custodial interrogation of a child

LABOR

- 2007. Provide for occupational licenses or other authorization to practice by recognition for qualified applicants from other states
- 2008. Amending requirements for licensure relating to elevator mechanics, crane operators, HVAC, electricians, and plumbers
- 2009. Relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities
- 2020. Relating to the West Virginia Employment Law Worker Classification Act
- 2133. Repealing the Workplace Freedom Act of 2016 and restoring the prior provisions of the Labor-Management Relations Act
- 2151. Listing contractor classifications on a contractor license
- 2156. Relating generally to the payment of salary or wages under the Parental Leave Act
- 2293. Reestablishing prevailing wages for certain state government contracts
- 2294. Removing the requirement for contractors to file payroll information on public improvement construction projects
- 2296. West Virginia Contractor Licensing Act
- 2305. Creating a tax credit for hiring an ex-felon
- 2313. Reducing the number of hours of experience needed to qualify as a journeyman sprinkler fitter
- 2318. Repealing the West Virginia Jobs Act
- 2481. Removing and modifying certain requirements for employers relating to wages for construction of public improvements
- 2516. Altering the definition of a specialty contractor under the West Virginia Contractor Licensing Act
- 2517. Removing marijuana as a tested substance from the screening requirements

- 2519. Repealing provision prohibiting employers from discriminating for use of tobacco products
- 2574. Prohibit employers from requiring employees and prospective employees to have devices implanted or otherwise incorporated into their bodies as a condition of employment
- 2749. Reestablishing prevailing wages for certain state government contracts
- 2840. Increase state minimum wage
- 2848. Reinstate WV Prevailing Wage Law
- 2849. Repeal Right-to-Work legislation
- 2873. Allowing waiver of repayment of overpaid unemployment insurance
- 2879. Relating to anti-discrimination protections for independent contractors
- 2889. Relating to West Virginia Employment Law Worker Classification Act
- 3041. Relating to the minimum wage
- 3056. Increasing the state minimum wage
- 3090. Ban-the-Box Act
- 3098. Prohibit at-will employment and mandate that employees may only be dismissed for cause after completing a probationary period
- 3115. Guarantee Earned Sick Days for every worker
- 3117. Establish technology/remote work tax deduction from state income tax
- 3118. Prohibiting certain noncompete or conflict of interest provisions in employment contracts
- 3123. Family Leave Program: Provide paid time off for workers to care for a family member
- 3124. Permit collective bargaining for public employees
- 3212. Establish a system to fund and provide childcare for workers in “essential positions.”
- 3247. Creating the Katherine Johnson and Dorothy Vaughan Fair Pay Act
- 3272. Establish a Fair Workweek for West Virginia, that accounts for predictability pay, split-shift pay, on-call pay, and an advance-notice provision

LAW ENFORCEMENT

- 2229. Requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement

LEGAL GAMING

- 2047. Changing the licensing requirement for certain casino employees
- 2136. Granting counties and municipalities a portion of the net terminal income from racetrack video lottery
- 2253. Relating to forgery and other crimes concerning lottery tickets
- 2507. Remove the limitations on advertising and promotional activities by limited video lottery retailers
- 2627. Continuing the licensed racetrack modernization fund
- 2628. Relating to the removal of the prohibition on having ATMs in the area where racetrack video lottery machines are located
- 2801. To change the due date of the Racetrack Table Game renewal license fee
- 2938. Reallocate a certain amount of net terminal income from racetrack video lottery distributed to the thoroughbred and greyhound development funds at the licensed racetracks of origin.
- 2990. Requiring that any municipality or county commission intending to approve a location for a video lottery retailer must first announce their intention to do so and hold a public hearing

LEGISLATURE

- 2014. Relating to role of the Legislature in appropriating federal funds
- 2070. Relating to mandatory drug testing for state legislators and teachers
- 2099. Redistricting of the Senate into 16 two-member senatorial districts and redistricting the House into 96 single member districts
- 2135. Providing that political party caucus meetings are not exempt from open proceedings requirements
- 2288. Limiting pay of members of the Legislature when a budget bill has not been passed
- 2330. Relating to the Public Service Commission
- 2549. Creating the Independent Redistricting Commission of the Joint Committee on Government and Finance
- 2587. Relating to drug testing of legislators
- 2610. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists
- 2729. Permit elected officials to carry firearms in the Capitol
- 2797. Declaring certain claims to be moral obligations of the State
- 2932. Protections for Charitable Organizations
- 3063. To provide a review and veto process of executive orders by the President.

- 3094. Prohibiting municipalities, counties, or other government entities from using tax payer funds to lobby for their interests
- 3183. Require a lobbyist immediately notify clients in writing about a potential conflict of interest
- 3241. Big Creek Cape Coalwood Commission
- 3274. To prohibit credited time for legislative pensions

LEGISLATURE--RULE MAKING

- 2366. Requiring agencies who have approved a proposed rule that affects fees or other special revenues to provide to the committee a fiscal note
- 2382. Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards
- 2383. Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources
- 2384. Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of solid waste
- 2385. Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from municipal solid waste landfills
- 2386. Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to acid rain provisions and permits
- 2387. Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants
- 2388. Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of greenhouse gas emissions from existing coal-fired electric utility generating units
- 2389. Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards
- 2390. Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management system
- 2391. Authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment rule

2392. Authorizing the Department of Commerce to promulgate a legislative rule relating to tourism development districts
2393. Authorizing the Division of Labor to promulgate a legislative rule relating to high pressure steam boiler and forced flow steam generator requirements
2394. Authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rule governing the submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia
2395. Authorizing the Division of Natural Resources to promulgate a legislative rule relating to Cabwaylingo State Forest trail system two year pilot program permitting ATV's and ORV's
2396. Authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining the terms used in all hunting and trapping
2397. Authorizing the Division of Natural Resources to promulgate a legislative rule relating to deer hunting rule
2398. Authorizing the Division of Natural Resources to promulgate a legislative rule relating to special migratory game bird hunting
2399. Authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting
2400. Authorizing the Department of Transportation to promulgate legislative rules
2401. Authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to examination and issuance of driver's license
2402. Authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to denial, suspension, revocation, disqualification, restriction, non-renewal, cancellation, administrative appeals and reinstatement of driving privileges
2403. Authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to compulsory motor vehicle liability insurance
2404. Authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to special purpose vehicles
2405. Authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to private club licensing
2406. Authorizing the Alcohol Beverage Control Commission to promulgate a legislative rule relating to distilleries, mini-distilleries, and micro-distilleries

2407. Authorizing the Division of Financial Institutions to promulgate a legislative rule relating to rule pertaining to the fintech regulatory sandbox
2408. Authorizing the Insurance Commissioner to promulgate a legislative rule relating to fingerprinting requirements for applicants for insurance producer and insurance adjuster license
2409. Authorizing the Insurance Commissioner to promulgate a legislative rule relating to insurance adjusters
2410. Authorizing the Insurance Commissioner to promulgate a legislative rule relating to credit for reinsurance
2411. Authorizing the Insurance Commissioner to promulgate a legislative rule relating to continuing education for individual insurance producers and individual insurance adjusters
2412. Authorizing the Insurance Commissioner to promulgate a legislative rule relating to mental health parity
2413. Authorizing the Insurance Commissioner to promulgate a legislative rule relating to health benefit plan network access and adequacy
2414. Authorizing the Municipal Pensions Oversight Board to promulgate a legislative rule relating to exempt purchasing
2415. Authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing
2416. Authorizing the Racing Commission to promulgate a legislative rule relating to greyhound racing
2417. Authorizing the Racing Commission to promulgate a legislative rule relating to advance deposit account wagering
2418. Authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia lottery interactive wagering rule
2419. Authorizing the State Tax Department to promulgate a legislative rule relating to tax credit for providing vehicles to low-income workers
2420. Authorizing the State Tax Department to promulgate a legislative rule relating to downstream natural gas manufacturing investment tax credit
2421. Authorizing the State Tax Department to promulgate a legislative rule relating to high-wage growth business tax credit
2422. Authorizing the Department of Administration to promulgate a legislative rule relating to purchasing
2423. Authorizing the State Board of Risk and Insurance Management to promulgate a legislative rule relating to mine subsidence insurance

2424. Authorizing the State Board of Risk and Insurance Management to promulgate a legislative rule relating to public entities insurance program
2425. Authorizing the State Board of Risk and Insurance Management to promulgate a legislative rule relating to procedures for providing written notification of claims of potential liability to the state or its employees
2426. Authorizing the Division of Rehabilitation Services to promulgate a legislative rule relating to Ron Yost Personal Assistance Services Act Board
2427. Authorizing the Department of Health and Human Resources to promulgate legislative rules
2428. Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to hospital licensure
2429. Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to nursing home licensure
2430. Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to lead abatement licensing
2431. Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services
2432. Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to client rights at state-operated mental health facilities
2433. Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to delegation of medication administration and health maintenance tasks to approved medication assistive personnel
2434. Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public health standards for businesses remaining open during the COVID-19 outbreak
2435. Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to diabetes self-management education
2436. Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to West Virginia clearance for access, registry, and employment screening
2437. Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to recovery residence certification and accreditation program

2438. Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child placing agencies licensure
2439. Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults and vulnerable and transitioning youth group homes and programs in West Virginia
2440. Authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to procedure to contest the substantiation of child abuse or neglect
2441. Authorizing the Health Care Authority to promulgate a legislative rule relating to exemption from certificate of need
2442. Authorizing the Fire Commission to promulgate a legislative rule relating to standards for the certification and continuing education of municipal, county, and other public sector building code officials, building code inspectors, and plans examiners
2443. Authorizing the Fire Marshal to promulgate a legislative rule relating to standards for the certification and continuing education municipal, county, and other public sector building code officials, building code inspectors, and plans examiners
2444. Authorizing the State Emergency Response Commission to promulgate a legislative rule relating to emergency planning and community right to know
2445. Authorizing the State Emergency Response Commission to promulgate a legislative rule relating to emergency planning grant program
2446. Authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control
2447. Authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia Seed Law
2448. Authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of meat and poultry
2449. Authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas
2450. Authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to seed certification program
2451. Authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to WV exempted dairy farms and milk and milk products processing rules

2452. Authorizing the Auditor to promulgate a legislative rule relating to standards for requisitions for payment issued by State Officers on the Auditor
2453. Authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders and funeral establishment requirements
2454. Authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to crematory requirements
2455. Authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to fee schedule
2456. Authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to rule governing the West Virginia Board of Hearing Aid Dealers
2457. Authorizing the Board of Landscape Architects to promulgate a legislative rule relating to registration of landscape architects
2458. Authorizing the Board of Landscape Architects to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals
2459. Authorizing the Livestock Care Standards Board to promulgate a legislative rule relating to livestock care standards
2460. Authorizing the Board of Medicine to promulgate a legislative rule relating to registration to practice during declared state of emergency
2461. Authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to telehealth practice; requirements, definitions
2462. Authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians
2463. Authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to emergency temporary permits to practice during states of emergency or states of preparedness
2464. Authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy
2465. Authorizing the Board of Pharmacy to promulgate a legislative rule relating to Uniform Controlled Substances Act
2467. Authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure of wholesale drug distributors, third party logistics providers, and manufacturers
2468. Authorizing the Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring program

- 2469. Authorizing the Board of Pharmacy to promulgate a legislative rule relating to board of pharmacy rules for immunizations administered by pharmacists and pharmacy interns
- 2470. Authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for physical therapist and physical therapist assistants
- 2471. Authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for physical therapist and physical therapist assistants
- 2472. Authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for athletic trainers
- 2473. Authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for athletic trainers
- 2474. Authorizing the Board of Professional Surveyors to promulgate a legislative rule relating to examination and licensing of professional surveyors in West Virginia
- 2475. Authorizing the Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage business
- 2476. Authorizing the Board of Respiratory Care to promulgate a legislative rule relating to criteria for licensure
- 2477. Authorizing the Secretary of State to promulgate a legislative rule relating to loan and grant programs under the Help America Vote Act (HAVA) for the purchase of voting equipment, election systems, software, services and upgrades
- 2478. Authorizing the Secretary of State to promulgate a legislative rule relating to guidelines and standards for electronic notarization
- 2479. Authorizing the Bureau of Senior Services to promulgate a legislative rule relating to shared table initiative for senior citizens
- 2513. Relating generally to repealing certain rules

LOCAL AND SPECIAL LAWS

- 2580. Mandating judgment by a mayor, any individual exercising the mayor's functions, the police court judge, or municipal judge be obligated to the Model Rules of Judicial Conduct

MAGISTRATES

- 3071. Add one additional Magistrate for Putnam County
- 3151. To phase out magisterial districts in West Virginia by 2024

MILITARY AND VETERANS

- 2093. Relating to exemptions for the United States Department of Veterans Affairs Medical Foster Homes
- 2138. Defend the Guard Act
- 2174. West Virginia Monument and Memorial Protection Act of 2021
- 2286. Making a supplementary appropriation to the Department of Veterans' Assistance- Veterans Home
- 2303. Moving authority for the West Virginia veterans service decoration and West Virginia Service Cross to the Division of Veterans Affairs
- 2309. Prescribing methods of support for families of veterans to attend funeral services
- 2497. Eliminate permit needed to hunt trap or fish for veterans who suffer PTSD
- 2606. Award military veterans with a "Veterans" license plate
- 2670. Creating a special license plate for aviation
- 2874. Extend the current veteran's business fee waivers to active duty military members and spouses
- 2981. Providing veterans with suicide prevention assistance
- 3061. Relating to fees for Veteran License Plates
- 3064. Provide free hunting and fishing licenses for all disabled veterans
- 3065. Eliminate personal property taxes for certain veterans
- 3066. Expand military retirement pay state income tax exemption
- 3068. Exempt 100% disabled combat vets from property tax on primary residence
- 3069. Enhance cooperation between civilian law enforcement and military authorities.
- 3077. Permit the use of establish federal marketplace programs for the purchases of supplies
- 3226. To waive the adoption fee of animals for veterans

MINES AND MINERALS

- 2199. Creating the Intrastate Coal and Use Act

MOTOR VEHICLES

- 2032. Issuing specialty motor vehicle registration plates for businesses owning a fleet of 25 or more vehicles
- 2038. Revising requirements relating to the issuance and renewal of handicap vehicle placards
- 2053. Authorizing the DMV to issue certain vital records in the custody of the state registrar

- 2072. Providing special license plate to support adoption
- 2075. Removing the registration fee for a vehicle operating on a combination of electricity and petrochemical fuels
- 2076. Removing all costs and fees from a Silver Star registration plate
- 2147. Providing that the Division of Motor Vehicles identification cards be issued at no cost
- 2162. Relating to qualifications for a commercial driver's license permit
- 2195. Relating to motor vehicle crash reports
- 2198. Prohibiting employees of the state who have convictions for driving under the influence from driving or operating state owned vehicle
- 2204. Providing for a special "Don't Tread On Me" license plate
- 2218. Creating an enhanced penalty for certain aggravated serious traffic offenses
- 2222. Prohibiting vehicles from driving slow in the left lane
- 2223. Repealing section of code authorizing additional registration fees for alternative fuel vehicles
- 2250. Relating generally to the issuance of driver licenses
- 2299. Clarifying that a vehicle may not be backed into a public street or highway unless it does not interfere with other traffic
- 2323. Authorizing a special vehicle registration plate for "2nd Amendment" enthusiasts
- 2335. Increasing the minimum criminal penalty for a driver who, in an impaired state, causes the death of a minor
- 2343. Require an emergency contact be placed on driver's license
- 2374. Requiring payment of taxes on an owned mobile home to renew motor vehicle registration tags
- 2488. Relating to an occupational limited license
- 2492. Increasing the penalty for DUI causing death when a child is present
- 2494. Create license plate for autism awareness
- 2606. Award military veterans with a "Veterans" license plate
- 2646. Establishing a special registration plate for recognizing and honoring families affected by Alzheimer's disease
- 2701. Relating to authorizing the Division of Rehabilitation Services to approve acceptable training programs required for low vision individuals to obtain a Class G drivers license
- 2719. Relating to the Division of Motor Vehicles use of electronic means and other alternate means to provide notice
- 2721. Providing electronic notice of school attendance and satisfactory progress to the Division of Motor Vehicles in lieu of requiring each student to provide a paper notice

- 2727. Providing a special license plate for homeland security individuals
- 2732. Establishing a penalty for any vehicle that is not a plug-in hybrid vehicle or plug-in electric vehicle for utilizing a parking space that is designated for charging an electric vehicle
- 2733. Relating to the establishment of a Combat Action Badge and Combat Action Ribbon special registration plates
- 2737. Repeal code relating to inspection of vehicles
- 2740. Distracted Driving Act
- 2741. Relating to expansion of the alcohol test and lock program to offenders with a drug related offense
- 2742. Providing explicit authority to process an online driver's license or identification renewal or reissuance when the applicant needs to update the address
- 2765. Relating to allowing emergency management and operations' vehicles operated by airports to use red flashing warning lights
- 2774. Requiring that a state employee with a commercial driver's license have a current medical evaluation certification
- 2904. Relating to unlawfully using electronic communication devices while driving
- 2950. Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate
- 2969. To clarify the procedures for the sale and operation of a municipally owned toll bridge by a private toll transportation facility
- 3042. Reciprocity for inspection stickers on new cars purchased in neighboring states
- 3061. Relating to fees for Veteran License Plates
- 3086. Exempting motor vehicles from personal property tax
- 3101. Preserve the constitutional right of West Virginian's to be free from unlawful automotive searches
- 3142. Relating to electric bicycles
- 3193. Relating to obtaining an appropriate gender marker for state documents
- 3195. To repeal the extra \$200 fee for electric vehicle registration and \$100 for hybrid vehicle registration

MUNICIPALITIES

- 2091. Creating a process by which voters may recall a county ordinance in a special election
- 2164. Requiring certain municipalities to pay for the incarceration of inmates

- 2180. Prohibiting the regulation and licensing of occupations by local government
- 2190. Authorizing ordinances allowing the municipal court to place a structure, dwelling or building into receivership under certain circumstances
- 2232. Providing a process by which a city may hold an election to recall an ordinance
- 2256. Providing that a municipal services user fee may not be imposed on employees of the state
- 2273. Dividing pretrial detention jail costs between arresting authorities
- 2302. Establishing that shared legal and physical custody of a child in cases of divorce is presumed to be in the best interests of the child
- 2306. Relating to governmental websites
- 2319. Prohibiting the regulation and licensing of occupations by local government
- 2324. Relating to charging fees for municipal services
- 2482. Clarifying that municipalities may enact ordinances for rates, fees, and charges based upon actual use of services
- 2512. Relating to operate a home based business
- 2526. Defining the term minor boundary adjustment
- 2548. Requiring urban renewal authorities to submit proposed urban renewal projects to the affected local county boards of health
- 2563. Requiring certain municipalities to pay for the incarceration of inmates
- 2592. Require Counties and Municipalities to hold all local elections during statewide elections
- 2686. Establish a system to remediate fiscal emergencies of local governments
- 2751. Modernize the process for dissolution of municipal corporations in this State
- 2780. Repeal municipal license and tax when state license required
- 2782. Repeal domestic animal tax
- 2784. Relating to Municipal pension benefit calculations
- 2812. Local Energy Efficiency Partnership Act
- 2842. Preventing cities from banning utility companies in city limits
- 2866. Establishing the Municipal Home Rule Program
- 2907. Prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements
- 2934. Allow local governments to hold property owners more accountable for upkeep of buildings

- 2951. Repeal of authority granted to municipalities to levy business and occupation or privilege tax
- 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
- 2989. Requiring local entities to enforce immigration laws
- 2990. Requiring that any municipality or county commission intending to approve a location for a video lottery retailer must first announce their intention to do so and hold a public hearing
- 3057. Relating to municipal or county taxation of hotel rooms booked through a market facilitator
- 3094. Prohibiting municipalities, counties, or other government entities from using tax payer funds to lobby for their interests
- 3137. To accelerate the conversion of the transfer tax on the privilege of transferring real property from a state excise tax to a county excise tax
- 3223. Prohibit state, county, and municipal governments from dedicating or naming any public structure for a public official who is holding office at the time
- 3235. To establish the Vegetable Garden Protection Act

NATURAL RESOURCES

- 2035. Permitting the resident lineal descendants of landowners to hunt, trap or fish on that resident landowner's property without a license
- 2059. Establishing a system for issuing permits for persons to provide rehabilitation of orphaned, sick and injured wildlife
- 2129. Establishing an industrial water extraction fee
- 2205. Streamlining the process of abandoned mineral interests
- 2227. Prohibiting blasting within 625 feet of an occupied dwelling
- 2229. Requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement
- 2237. Allowing free camping at state parks for certain resident veterans
- 2493. Providing valuation limitations for coal property taxation and clarifying the penalties for non-filers
- 2497. Eliminate permit needed to hunt trap or fish for veterans who suffer PTSD
- 2511. Relating generally to hunting and fishing
- 2568. Relating to rules for hunting antlered deer
- 2581. Providing for the valuation of natural resources property and an alternate method of appeal of proposed valuation of natural resources property

- 2601. Allow a person to verify proof of hunting or fishing license electronically by their telephone
- 2629. Expanding the scope of hunting, fishing, and trapping benefits provided to former members of the United States Armed forces
- 2631. Provide for WVDNR officers to be able to work “off duty”
- 2773. Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake
- 2775. Relating to the beginning and expiration of hunting and fishing licenses
- 2853. Provide for the unitization of interests in drilling units in connection with shallow horizontal oil or gas wells
- 2867. To establish Natural Resources Commission appointment criteria and allow for reimbursement of expenses related to discharge of official duties
- 3051. Standardize gas and oil contracts
- 3140. Allowing disabled persons to operate small electric vehicles on the Greenbrier Trail
- 3171. To provide a fifty percent reduction in fees and charges relating to state parks for West Virginia veterans
- 3185. To allow all licensed hunters in the 4 trophy counties to automatically qualify to use a crossbow, after age 65
- 3241. Big Creek Cape Coalwood Commission

PROFESSIONS AND OCCUPATIONS

- 2006. Relating to the West Virginia Contractor Licensing Act
- 2007. Provide for occupational licenses or other authorization to practice by recognition for qualified applicants from other states
- 2036. Removing the requirement that real estate brokers, associate brokers and salespeople maintain a main office
- 2151. Listing contractor classifications on a contractor license
- 2154. Requiring all boards to be located in the same area and office space
- 2180. Prohibiting the regulation and licensing of occupations by local government
- 2251. Reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions
- 2265. Relating to collaborative pharmacy practice and updating rulemaking authority
- 2296. West Virginia Contractor Licensing Act
- 2311. Requiring prescriptions be made by electronic means
- 2319. Prohibiting the regulation and licensing of occupations by local government

- 2325. Removing the requirement of continuing education for barbers and cosmetologists
- 2326. Exempting from licensure as an electrician a person who installs low voltage electrical wiring
- 2333. Restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available, retail beauty products
- 2334. Requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures
- 2344. Modify statute relating to Registered Veterinary Technicians
- 2373. Home Based Business Fairness Act
- 2491. Expanding the eligibility requirements for private investigator and security guard licensure
- 2575. Increasing the age limit to 40 for people to test for career fire departments
- 2579. Create the Volunteer Immunity and Charitable Organization Liability Limit Act
- 2656. Exempting from personal property taxation, vehicles of certain volunteer firefighters
- 2674. Relating to the administration of anesthetics
- 2703. Clarify that a temporary permit to practice medicine conveys the same authority unto the holder as a license
- 2707. Relating to prescriptive authority for advanced practice registered nurses
- 2770. Including home confinement officers in definition of law-enforcement officers
- 2781. To create the Occupational Licensing Legal Fund in the State Treasury
- 2800. To allow another round of “buy in” to the old public employees retirement plan for those that didn’t last time
- 2821. Providing adequate opportunities for state employees to obtain continuing education credits for professional licenses and registrations
- 2831. Nursing Program Expansion Pilot Program
- 2891. Creating minimum statutory standards for law-enforcement officers
- 2909. Updating the criteria used when assessing an application for a new license or other government regulation relating to occupational and professional regulation
- 2944. Providing for the registration of lobbyist interns
- 2968. To allow Veterinarian Tele-Health in West Virginia
- 3004. To create the “Fair Food Delivery Act”

- 3044. Expanding types of cancers as rebuttable presumption for injuries, diseases for professional firefighters
- 3045. Relating to firefighter disability claims
- 3052. Creating the Interstate Mobility and Universal-Recognition Occupational Licensing Act (the Freedom to Travel Act)
- 3053. Relating to requirements for a registered veterinary nurse
- 3190. Allow anyone with a master's degree to sit for WV Bar exam and become licensed attorney
- 3232. To establish cultural competency training for teachers obtaining or renewing a teaching license in West Virginia
- 3256. To create a state level government grant for safe houses to be implemented in the State of West Virginia
- 3273. A bill relating to pre-need funeral solicitation

PUBLIC SAFETY

- 2003. Relating to the authority and obligations of the Governor and Legislature when in declared states of preparedness and emergency
- 2045. Providing limitations on nuisance actions against fire department and emergency medical services
- 2046. West Virginia Emergency Responder Service Tax Credit Act
- 2126. Creating the West Virginia Residential Furniture and Children's Products Flame Retardants Act
- 2159. Preserving and protecting the right to keep and bear arms
- 2178. Facilitating Business Rapid Response to State Declared Disasters Act of 2021
- 2179. West Virginia Civil Authority Act
- 2195. Relating to motor vehicle crash reports
- 2201. Repealing the section of code relating to unlawful military organizations
- 2213. Relating to the hunting of coyotes
- 2216. Right to keep and bear arms
- 2273. Dividing pretrial detention jail costs between arresting authorities
- 2276. Authorizing the Governor to seek the return of fugitives
- 2277. Establishing an intravenous drug user treatment and commitment process
- 2285. Relating to Capitol Complex Security Access
- 2313. Reducing the number of hours of experience needed to qualify as a journeyman sprinkler fitter
- 2340. Require compensation for state police officers when required to be on standby so they can be called back to work if necessary

- 2380. Banning convicted sex offenders from driving taxis, ride share, limousines, and buses
- 2537. Preserving and protecting the right to keep and bear arms
- 2559. Prohibiting the private ownership or operation of a prison
- 2683. Clarifying that the office is responsible to plan for emergency and disaster response, recovery, and resiliency
- 2711. Permitting persons who are twenty-one years of age or older to operate or be a passenger on a motorcycle without a helmet
- 2722. Prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals
- 2767. Creating a law-enforcement transparency board
- 2779. Allow contracted work by state troopers to be counted toward their retirement instead of overtime
- 2795. Relating to criminal justice training regarding autistic persons
- 2828. Firearm Protection Act
- 2850. Establish a Corporate Crime division in the State Police
- 2882. Relating to repealing a ban on construction of nuclear power plants
- 2892. Relating to the West Virginia State Guard and the organization thereof
- 2947. Regarding recording of police interrogations
- 2956. Permit licensed food trucks to operate on the State Capitol Complex during periods in which the Capitol Complex Cafeteria is not operational
- 2977. Allow guns to be carried on capitol grounds
- 2978. Gun carry allowed on college campuses
- 3000. To allow circuit court judges with at least six years of service to conceal carry if they so desire
- 3040. Ensure the health, safety, and welfare of homeless citizens of this state
- 3089. Make utility workers essential employees during a state of emergency
- 3095. To create the "Protection of Property from Warrantless Searches Act"
- 3112. Requiring Trauma-informed Employee training for employees of Division of Corrections and Rehabilitation
- 3153. Eliminate the WV Fusion Center
- 3172. Require every hospital to have someone available to perform forensic exams
- 3176. Requiring sharps containers in all state buildings and facilities where the public is allowed
- 3211. State Police Review Board

3263. Relating to creating the refugee information act

PUBLIC SERVICE COMMISSION

2044. Establishing Next Generation 911 services in this state
2090. Relating to a customer constructing a connection or other infrastructure necessary for the customer to connect to the public utility
2158. Relating to the Public Service Commission
2329. Relating to net metering
2330. Relating to the Public Service Commission
2370. Provide that Public Service Districts cannot charge sewer rates for filling a swimming pool
2554. Relating to notice of discontinuance of service by a utility
2556. Providing an exemption from regulation by the Public Service Commission for motor vehicles used exclusively in the transportation of roll-off solid waste containers
2588. Creating the WV Energy Efficiency Jobs Creation Act
2605. Require that a public service district board that represents more than one community have at least one member from each community
2713. WV 2021 Plan for Securing WV Coal Supplies
2717. Assure West Virginians proper access to water and sewage service at reasonable rates
2792. Relating to the expansion of direct access to natural gas service for new customers
2811. Relating to the manner in which actual investment of capital and costs and a natural gas utility's expedited cost recovery are calculated
2812. Local Energy Efficiency Partnership Act
2890. To clarify the regulatory authority of the Public Service Commission of West Virginia over luxury limousine services
2969. To clarify the procedures for the sale and operation of a municipally owned toll bridge by a private toll transportation facility
3181. Relating to Public Service Commission and Public Service districts
3222. Assure West Virginians proper access to water and sewage service at reasonable rates
3250. Restricting Public Service Commission from promulgating certain rules

3281. To put cable television network providers under the purview of the PSC for any rate increases or reductions of channels available to customers

REAL AND PERSONAL PROPERTY

2037. Providing protections, under certain circumstances, to owners of livestock and other domestic animals
2104. Relating to compensation paid to landowners when interest in property taken by eminent domain is for a nongovernmental entity
2113. Relating to paving contracts
2130. Relating to the Consumer Credit and Protection Act
2205. Streamlining the process of abandoned mineral interests
2505. Allow temporary advertising signage within three weeks of an advertised event
2548. Requiring urban renewal authorities to submit proposed urban renewal projects to the affected local county boards of health
2551. Relating to consumer protection of new manufactured home warranties
2675. Relating to the interest rate for condemnation cases and creating conformity with statutory rates
2960. Eliminating the requirement that the Treasurer publish a full list of unclaimed property in newspapers, and instead require online database
2999. Relating to property ownership by Farmland Protection Board
3086. Exempting motor vehicles from personal property tax
3223. Prohibit state, county, and municipal governments from dedicating or naming any public structure for a public official who is holding office at the time
3245. The Protection of All Property from Warrantless Searches Act
3249. Reducing to one year the deadline for right to set aside deed

RECORDS AND PAPERS

2147. Providing that the Division of Motor Vehicles identification cards be issued at no cost
2160. Issuing identification documents to homeless individuals residing at homeless shelters
2177. Permitting the issuance of a state issued identification card without a photo on the card under certain conditions
2518. Allowing a home improvement transaction to be performed under an oral contract
2884. To make changes to the FOIA law to protect public utility customer databases from disclosure, with exceptions

- 2943. To unseal adoption records after 21 years of age for adoptees for a one time fee of \$30 and issuance of an original birth certificate for the common birth certificate fee.
- 3159. Relating to Consumer Data Privacy

RESOLUTIONS

- 2062. Creating a Small Business and Minority Populations Economic and Workforce Development Taskforce

RESOLUTIONS (NAMING)

- 2155. Creating three separate job titles for school bus operators
- 2963. Establish a website for publicly-available archive of all bridge and road naming resolutions

RETIREMENT

- 2048. Relating to Deputy Sheriff Retirement System
- 2300. Including Family Court Judges in the Judges' Retirement System
- 2596. Increase the State Police Retirement Benefit multiplier
- 2636. Establishing a 911 Emergency Services Retirement System
- 2645. Establishing a class of employees within the West Virginia Public Employees Retirement System consisting of 911 staff
- 2799. Providing EMS workers a retirement benefits tax exemption
- 2800. To allow another round of “buy in” to the old public employees retirement plan for those that didn’t last time
- 2829. Providing for the amortization of annual funding deficiencies for municipal police or firefighter pension and relief funds
- 2854. Relating to the West Virginia Municipal Police Officers and Firefighters Retirement System
- 2855. Relating to the Natural Resources Police Officers Retirement System
- 2862. Relating to the Deputy Sheriff Retirement System Act
- 2868. To provide a mechanism to allow for the contributions paid by a member into a retirement plan to be returned to the member’s heirs
- 2970. Raising retirement rate for Deputy Sheriff’s Retirement System
- 2973. To modify the teacher retirement system so that Tier 2 teachers may use annual/sick leave towards retirement
- 3139. To allow for full-time paid employees of a Volunteer Fire Company to participate in the West Virginia Public Employee Retirement System.
- 3191. Requiring employers to send certain notifications when retirants are hired as temporary, part-time employees

- 3208. Relating to establishing a minimum monthly retirement annuity for certain retirants with 25 or more years of credited service
- 3274. To prohibit credited time for legislative pensions

ROADS AND TRANSPORTATION

- 2002. Relating to Broadband
- 2111. Including emergency response vehicles in the single fee program for EZ Pass transponders
- 2116. Verifying legal employment status of contractors and vendor's employees for certain road and bridge contracts
- 2150. Relating to driving restrictions in school zones
- 2191. Requiring paving contracts for state highways to have special requirements to prevent potholes
- 2203. Ending tolls on the West Virginia Turnpike effective July 1, 2021
- 2242. Relating to special license plates for vehicles titled in the name of the Division of Public Transit
- 2298. Requiring a warning light to be erected on certain roads to warn of a traffic light ahead
- 2498. Ensure State Road Construction Account funds are in addition to general highways funds provided to the DOT districts
- 2503. Requiring legislative approval of additional parkways bonds and removing tolls once bonds paid

- 2505. Allow temporary advertising signage within three weeks of an advertised event
- 2521. Limiting supervision of laying of lines on state rights-of-way
- 2522. Requiring that patching repair of hard surfaced roads, highways and streets be by use of mechanical rollers
- 2532. Requiring the Commissioner of Highways to develop a formula for allocating road funds among districts
- 2570. Pothole app and map
- 2632. Permitting Commissioner of Highways to make transfers of money within the State Road Fund
- 2668. Removing obsolete provisions regarding DOH standards for studded tires and chains
- 2673. Exempting Division of Highways from Purchasing Division procedures
- 2675. Relating to the interest rate for condemnation cases and creating conformity with statutory rates
- 2720. Creating a Merit-Based Personnel System within DOT

- 2761. Authorizing the Division of Highways to assess local impacts to roadways for activities permitted by the Department of Environmental Protection
- 2836. Allow the establishment of a prescriptive public easement on private property for roads or paths traversed by the public in vehicles over a period of 20 or more years
- 2856. Relating to performance metrics for the West Virginia Division of Highways
- 2857. Prohibiting the placement of the name or likeness of public officials on state road signs
- 2858. Requiring the Commissioner of Highways to develop a formula for allocating road funds among districts
- 2955. Removing the residency requirement for the Commissioner of the Division of Highways
- 2963. Establish a website for publicly-available archive of all bridge and road naming resolutions
- 3002. Update road abandonment process
- 3046. Reduce the number of board members of the Parkways Authority and to appoint board members who are from the counties that are contiguous to the Turnpike.
- 3075. Transferring funds remaining in the Racetrack Modernization Fund to the State Road Fund and closing the Racetrack Modernization Fund
- 3076. Eliminating courtesy patrol programs
- 3104. Eliminating specific statutory restrictions on outdoor advertisement
- 3200. Relating to maintenance and repair of roads and highways
- 3223. Prohibit state, county, and municipal governments from dedicating or naming any public structure for a public official who is holding office at the time
- 3230. Prohibiting dangerous materials being placed on highways
- 3242. Exempting law enforcement and emergency vehicles from paying turnpike tolls
- 3251. Exempting school buses with students on board from paying turnpike tolls

RULE MAKING AUTHORITY

- 2851. Relating to sunset provisions of legislative rules
- 2932. Protections for Charitable Organizations

RULES

- 2617. An Act to Establish a Cap on Government Red Tape

SAFETY

2227. Prohibiting blasting within 625 feet of an occupied dwelling

SALARIES

2121. Katherine Johnson and Dorothy Vaughan Fair Pay Act of 2020
2565. Increasing the minimum wage based upon increases in the consumer price index
2871. Providing for the compensation of the Cannabis Commissioner
3105. Increasing salary of Secretary of WV Library Commission

SENIOR CITIZENS

2188. Establishing reimbursement rates for congregate and in-home meals
3049. Increase nutrition rates for Senior services
3270. To exempt the first \$35,000 of retirement income for senior citizens in West Virginia who are 60 years and older from state income taxation

STATE PERSONNEL

2011. Eliminating any time requirements for part time personnel to work during a working year
2039. Expunging records of unsubstantiated complaints made by the Department of Health and Human Resources against teachers
2117. Providing certain employees of the Highways increases in annual pay
2134. Providing that state retirees' insurance benefits be restored to the benefit levels that existed in 2015
2140. Redirecting excise tax revenue on bottled soft drinks from West Virginia University schools to the Public Employees Insurance Agency
2142. Establishing seniority rights for public employees
2198. Prohibiting employees of the state who have convictions for driving under the influence from driving or operating state owned vehicle
2224. Relating to complaints against public agencies to obtain records through the Freedom of Information Act
2235. Relating to net neutrality for state government
2281. Modifying the method of calculation of the employer and employee contribution percentages for public employee insurance premiums
2508. Require all interim appointments to possess the qualifications required by law

- 2720. Creating a Merit-Based Personnel System within DOT
- 2724. Requesting funding for a raise for State Police
- 2744. Provide for a change in compensation for the Board of Public Works beginning July 1, 2021
- 2834. Adding the Curator of the West Virginia Division of Arts, Culture and History as an ex officio voting member of the commission
- 2865. Create a Police Officer's Bill of Rights
- 2948. Mandating coverage for medical care of State Police officers injured in the line of duty
- 2956. Permit licensed food trucks to operate on the State Capitol Complex during periods in which the Capitol Complex Cafeteria is not operational
- 3027. End qualified immunity
- 3055. To create the "Council on Efficient Government Act"
- 3105. Increasing salary of Secretary of WV Library Commission
- 3109. Salary increase for teachers and school service personnel
- 3124. Permit collective bargaining for public employees
- 3178. Suspend state government pay if business is shut down due to a pandemic
- 3243. Relating to deputies transferring to another department within the civil service system
- 3246. Protecting Everyone's Constitutional Rights Act
- 3255. Creating the Anti-Abuse of Power Act

TAXATION

- 2001. Relating generally to creating the West Virginia Jumpstart Savings Program
- 2027. Relating to personal income tax reduction
- 2031. West Virginia Development Achievements Transparency Act
- 2042. Exempting sales of small arms and small arms ammunition from state sales and use taxes
- 2046. West Virginia Emergency Responder Service Tax Credit Act
- 2065. Allowing low income senior citizens to receive certain tax credits without filing a state income tax return
- 2081. Relating to withholding tax on income of nonresidents from natural resources royalty payments
- 2082. Changing the persons responsible for the taxes on soft drinks and soft drink syrups
- 2096. Reinstating the film investment tax credit
- 2101. Reinstating the film tax credits
- 2108. Taxation With Representation Act
- 2115. Economic Diversification Act of 2021

- 2123. Reducing personal income tax rates when personal income tax reduction fund is funded at a certain threshold
- 2129. Establishing an industrial water extraction fee
- 2139. Permitting residential customers to deduct up to 50 percent of their electric utility payments from their federal adjusted gross income
- 2140. Redirecting excise tax revenue on bottled soft drinks from West Virginia University schools to the Public Employees Insurance Agency
- 2146. Providing a tax credit for families who have foster children
- 2149. Allowing a personal income tax deduction for a foster care child
- 2172. College Graduate Tax Credit
- 2178. Facilitating Business Rapid Response to State Declared Disasters Act of 2021
- 2181. Allowing a personal income tax deduction for a stillborn child
- 2187. West Virginia Earned Income Tax Credit
- 2192. Creating a tax credit for improving facades in historic districts
- 2196. Providing a tax credit for families who have foster children
- 2207. Save the Hospitals Act
- 2208. Exempting social security benefits from personal income tax
- 2209. Exempting firefighters and volunteer firefighters from payment of income and real and personal property taxes
- 2210. Exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax
- 2211. Abolishing the Personal Income Tax
- 2212. Continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans
- 2214. Home Instruction Tax Relief Act
- 2217. Exempting law-enforcement officers from payment of income and personal property taxes
- 2238. Granting tax credits for parents and legal guardians whose children are in a home schooling program or private school
- 2242. Relating to special license plates for vehicles titled in the name of the Division of Public Transit
- 2244. Relating to a tax rebate for facilities or processes that result in additional employment and an additional demand for electrical power
- 2254. Establishing different rates of taxation for tobacco products for certain border counties
- 2282. Establishing a tax on the production of natural gas to fund the public employees insurance program
- 2283. Creating a healthy living tax credit against the personal income tax

- 2301. Repealing the soft drink tax
- 2341. Reducing federal adjusted gross income for interest paid on student loans
- 2348. Allowing certain deductions to be made from individual personal income tax refunds to the Make-A-Wish Foundation
- 2353. Establishing a tax credit for families who suffer the loss of a stillborn child
- 2355. Establishing a tax deduction against corporation net income tax for retail food distributors that donate to school “backpack programs”
- 2358. Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act
- 2369. Provide that you can make monthly payments on property taxes
- 2374. Requiring payment of taxes on an owned mobile home to renew motor vehicle registration tags
- 2482. Clarifying that municipalities may enact ordinances for rates, fees, and charges based upon actual use of services
- 2493. Providing valuation limitations for coal property taxation and clarifying the penalties for non-filers
- 2496. Relating to assessments of real property
- 2499. Tax reduction for arms and ammo manufacturing
- 2523. Relating to gasoline and fuel excise tax
- 2533. Providing a tax credit for obtaining certain certifications by the United States Green Building Council Leadership in Energy and Environmental Design green building rating system
- 2540. Providing tax credits to provide vehicles to certain persons
- 2547. Establishing the “Stay in State” tax credit
- 2581. Providing for the valuation of natural resources property and an alternate method of appeal of proposed valuation of natural resources property
- 2608. Relating to property taxes dedicated to volunteer fire departments
- 2618. Relating to Good Samaritan Food Donation Act
- 2622. College Graduate Tax Credit
- 2623. Providing a tax credit to encourage new teachers to remain in the state
- 2637. West Virginia Residential Incentive Tax Credit Act
- 2640. Establishing a tax credit for businesses who hire, promote and develop women and minorities into executive, professional or administrative roles
- 2641. The Young Professional Tax Credits
- 2644. West Virginia Innovation Free-Trade Business Technology Property Valuation Act and the West Virginia Innovation Free-Trade Tax Credit Act

- 2648. Authorizing a temporary foreign brewers import license
- 2649. Modifying the tax on soft drinks to only cover sugary drinks
- 2653. Providing a tax exemption for income from a qualified retirement plan used to pay for long-term care
- 2667. To create a cost saving program for state buildings regarding energy efficiency
- 2669. Establishing tax credits for lead abatement in child occupied residences
- 2691. Tax exemption for border cities and counties for gas tax
- 2710. Providing counties the power to establish a county sales tax under certain circumstances
- 2714. Collecting a tax from manufacturers and distributors of opium and opiate drugs to be used for funding addiction and prevention
- 2723. Relating to providing taxpayers a deduction for interest paid on qualified education loans to the extent such amount is not allowable as a deduction when arriving at a taxpayer's federal adjusted gross income
- 2735. Tax credits for living and deceased organ donors
- 2736. Provide a sales tax exemption for firearms and firearm ammunition for WV residents
- 2760. Relating to economic development incentive tax credits
- 2772. Relating generally to transferring the duties of the Purchasing Division to the State Auditor
- 2777. Repeal municipal amusement tax
- 2778. Create the Education Tax Credit
- 2780. Repeal municipal license and tax when state license required
- 2782. Repeal domestic animal tax
- 2794. To extend the Neighborhood Investment Program Act to July 1, 2026
- 2799. Providing EMS workers a retirement benefits tax exemption
- 2808. Remove salt from list and definition of "mineral" for severance tax purposes
- 2810. Relating to the removal of the severance tax on oil and gas produced from low producing oil and natural gas wells
- 2819. Exempting from the sales tax all-terrain vehicles and utility terrain vehicles used as farm equipment
- 2844. Expanding the Manufacturing Investment Tax Credit
- 2846. A bill dedicating 25% of insurance tax revenue to the PEIA Rainy Day Fund
- 2847. Add hotel occupancy tax to taxes eligible for PILOT agreements under the Tax Increment Financing Act
- 2893. Relating to Economic Opportunity Tax Credit limits

- 2935. Limit amount a county tax assessor can increase assessed value of antique or classic cars
- 2942. Providing tax credits for hiring those in recovery for substance abuse
- 2974. To implement a Property Tax Poverty Exemption - School Excess Levy
- 2979. Creating a tax credit for a manufacturer or power generating facility in West Virginia that purchases and uses coal, oil or gas
- 2984. To revise the West Virginia Tax Increment Financing Act to authorize a county commission or municipal levying body to modify the termination times of certain districts
- 2985. Relating to instituting suit to set aside a sheriff sale deed to tender to the circuit clerk of the court funds for redemption
- 2986. Establishing an alternative method for qualified persons to properties sold by tax sales
- 2987. Allowing the purchaser to perform service on one or more persons entitled to notice of redemption from a sheriff sale
- 2988. Establishing causes for revocation, cancellation, or suspension of a business registration certificate
- 2991. Relating to sheriff's commission for collection of taxes
- 3010. To extend the special valuation method for cellular towers to towers owned by persons not subject to regulation by the Board of Public Works
- 3013. Provide a state income tax credit for nurses to encourage recruitment and commitment to the profession in this state
- 3014. Relating to limitations on claiming state tax credits and rebates and providing rulemaking authority
- 3021. To clarify that incomplete claims for refund are not filed and will not start interest accruing
- 3039. Exempting certain hygiene products from sales tax
- 3057. Relating to municipal or county taxation of hotel rooms booked through a market facilitator
- 3065. Eliminate personal property taxes for certain veterans
- 3066. Expand military retirement pay state income tax exemption
- 3088. Relating to assessment value of wind turbines
- 3100. To make exempt from sales tax the purchase of plastic and pewter models used in hobbies such as tabletop strategy or role playing gaming
- 3116. Establish an Earned Income Tax Credit
- 3117. Establish technology/remote work tax deduction from state income tax

- 3137. To accelerate the conversion of the transfer tax on the privilege of transferring real property from a state excise tax to a county excise tax
- 3165. Creating personal income tax credit for volunteer firefighters
- 3179. Limit property tax increases on certain individuals
- 3180. Require all tax assessments be done on a periodic schedule
- 3194. Relating to Delinquent Property Tax sales
- 3213. Assessing a impact fee on internet sales originating or ending in the state
- 3214. Reallocating and dedicating three percent of oil and gas severance tax revenues to the oil and gas producing counties
- 3216. Establish an excess compensation tax on the income of corporate executives under certain circumstances
- 3240. Establishing an Earned Income Tax Credit
- 3260. To extend the Neighborhood Investment Program Act to July 1, 2026 and to increase the allowable tax credit
- 3267. Relating to inventory tax reduction
- 3270. To exempt the first \$35,000 of retirement income for senior citizens in West Virginia who are 60 years and older from state income taxation
- 3283. Amending the Hotel Motel Tax

UNEMPLOYMENT COMPENSATION

- 2530. Clarifying the definition of an employee for the purposes of unemployment compensation and workers' compensation
- 2743. Related to the Unemployment Insurance Program Integrity Act and enacting the unemployment compensation indexing system
- 2924. Relating to unemployment compensation

UNIFORM LAWS

- 3011. Revised Uniform Fiduciary Access to Digital Assets Act

UTILITIES

- 2100. Relating to payment for the construction of any expanded or upgraded public service district facilities in certain circumstances
- 2249. Permitting customers and developers to enter into solar power purchase agreements
- 2329. Relating to net metering
- 2330. Relating to the Public Service Commission
- 2884. To make changes to the FOIA law to protect public utility customer databases from disclosure, with exceptions

- 2926. Relating to the Disconnection of Residential Utility during a State of Emergency
- 3107. Declaring that Post Traumatic Stress Disorder diagnosed by a licensed psychiatrist is a compensable occupational disease for first responders
- 3122. Relating to the establishment and operation of regional water, wastewater and stormwater authorities
- 3127. Relating to Public Utilities Audit
- 3152. Exempt interest payments on deposits held less than 18 months
- 3162. Permitting third-party ownership of renewable and alternative energy generating facilities
- 3231. Public Utilities not required to pay interest on security deposits
- 3268. To require independent, third party audits every 3 years of all public utilities in West Virginia who have over 2,000 customers

WORKERS COMPENSATION

- 2051. Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder
- 2052. Relating to occupational pneumoconiosis claims
- 2292. Including three types of cancer for which rebuttable presumption of injury from employment exists for firefighters
- 2327. Repealing the law which makes prime contractors liable for the failure of subcontractors to make proper payments for workers' compensation
- 2681. Authorizing the Insurance Commissioner to transfer moneys from the Insurance Commission Fund into the Workers' Compensation Old Fund to reduce any deficit balance of the Old Fund
- 2861. Relating to medical evaluation reports for workers compensation
- 3044. Expanding types of cancers as rebuttable presumption for injuries, diseases for professional firefighters
- 3045. Relating to firefighter disability claims
- 3085. Consolidating positions of Inspector General of Workers' Compensation Commission's Fraud and Abuse Unit and the position of Director of the Insurance Fraud Unit
- 3184. Including workers' compensation providers in the insurance prior authorization process
- 3218. Remove "deliberate intent" exception from workers' comp
- 3277. To amend the existing health insurance clean claims law to include workers' compensation providers

DISPOSITION OF BILLS ENACTED

The first column gives the number of the bill and the second column gives the chapter assigned to it.

Regular Session, 2021**HOUSE BILLS**

Bill No. Chapter	Bill No. Chapter	Bill No. Chapter
2001 281	2363 93	2763 149
2002 48	2366 145	2764 45
2005 162	2368 220	2765 270
2006 202	2370 235	2768 12
2008 169	2372 106	2769 13
2009 170	2382 177	2773 193
2011 210	2400 178	2776 166
2012 98	2427 179	2785 100
2013 99	2495 4	2788 14
2014 225	2499 260	2789 15
2019 144	2500 73	2790 16
2022 11	2507 126	2791 101
2024 218	2529 157	2793 278
2025 9	2573 226	2794 263
2026 257	2581 261	2797 56
2028 63	2616 221	2802 17
2029 242	2621 231	2803 18
2093 219	2633 7	2804 19
2094 53	2667 146	2808 264
2145 243	2671 5	2823 8
2195 269	2682 165	2829 74
2221 163	2688 107	2830 55
2253 87	2694 277	2834 150
2260 54	2701 187	2842 75
2262 64	2709 44	2852 102
2263 164	2720 147	2854 76
2266 160	2722 232	2855 211
2267 244	2730 46	2874 120
2290 282	2747 148	2877 204
2358 258	2758 203	2884 121
2359 259	2760 262	2888 89

DISPOSITION OF BILLS ENACTED

The first column gives the number of the bill and the second column gives the chapter assigned to it.

Regular Session, 2021**HOUSE BILLS****-Continued-**

Bill No.Chapter	Bill No. Chapter	Bill No. Chapter
2890.....188	2957..... 58	3254 78
2891.....205	2958..... 59	3266 245
2895.....20	2962..... 206	3286 31
2896.....21	2969..... 238	3287 32
2897.....22	2982..... 222	3288 33
2898.....23	2997..... 272	3289 34
2899.....24	3002..... 239	3291 35
2900.....25	3010..... 265	3292 36
2901.....26	3045..... 279	3293 105
2903.....27	3078..... 90	3294 273
2905.....57	3081..... 65	3295 37
2906.....103	3089..... 233	3297 38
2914.....151	3106..... 91	3298 39
2915.....237	3107..... 280	3299 158
2916.....152	3129..... 189	3301 79
2918.....82	3130..... 190	3304 67
2920.....28	3132..... 271	3308 127
2927.....108	3133..... 191	3310 111
2933.....153	3175..... 60	3311 223
2940.....29	3177..... 104	3313 40
2941.....30	3191..... 212	3314 41
2953.....77	3215..... 109	3315 42
		3316 43

DISPOSITION OF BILLS ENACTED

The first column gives the number of the bill and the second column gives the chapter assigned to it.

Regular Session, 2021**SENATE BILLS**

Bill No.Chapter	Bill No.Chapter	Bill No.Chapter
5.....61	334..... 215	437 251
9.....122	335..... 155	439 2
10.....123	338..... 130	458 276
11.....207	343..... 181	459 69
12.....213	344..... 249	460 70
14.....240	345..... 266	463 161
34.....246	346..... 182	464 114
42.....68	356..... 183	466 196
67.....214	358..... 125	469 236
78.....92	359..... 267	470 208
80.....116	361..... 50	472 197
81.....117	368..... 112	478 227
89.....49	372..... 194	479 274
126.....171	374..... 131	483 119
156.....172	375..... 95	486 137
160.....173	376..... 268	488 71
182.....174	377..... 216	492 115
216.....175	387..... 159	494 138
263.....124	389..... 132	496 84
270.....247	390..... 133	502 192
272.....167	392..... 83	514 139
275.....80	397..... 250	517 140
277.....1	398..... 134	518 6
280.....224	401..... 62	521 198
294.....128	404..... 113	523 234
295.....47	419..... 275	529 185
296.....176	421..... 135	532 252
297.....129	429..... 136	534 94
305.....248	431..... 184	537 85
307.....154	434..... 195	542 110
318.....118	435..... 168	562 51

DISPOSITION OF BILLS ENACTED

The first column gives the number of the bill and the second column gives the chapter assigned to it.

Regular Session, 2021**SENATE BILLS****-Continued-**

Bill No.Chapter	Bill No..... Chapter	Bill No. Chapter
577228	651..... 97	674 81
587141	655..... 186	677 180
613209	657..... 156	680 241
62686	658..... 52	684 143
634229	660..... 230	693 255
63696	661..... 254	695 72
641253	668..... 200	702 88
642142	671..... 217	713 66
644199	673..... 3	714 201
		717 10
		718 256

DISPOSITION OF BILLS ENACTED

The first column gives the chapter assigned and the second column gives the bill number.

Regular Session, 2021

House Bills = 4 Digits

Senate Bills = 1-3 Digits

Chapter	Bill No.	Chapter	Bill No.	Chapter	Bill No.
1	277	30.....	2941	59	2958
2	439	31.....	3286	60	3175
3	673	32.....	3287	61	5
4	2495	33.....	3288	62	401
5	2671	34.....	3289	63	2028
6	518	35.....	3291	64	2262
7	2633	36.....	3292	65	3081
8	2823	37.....	3295	66	713
9	2025	38.....	3297	67	3304
10.....	717	39.....	3298	68	42
11.....	2022	40.....	3313	69	459
12.....	2768	41.....	3314	70	460
13.....	2769	42.....	3315	71	488
14.....	2788	43.....	3316	72	695
15.....	2789	44.....	2709	73	2500
16.....	2790	45.....	2764	74	2829
17.....	2802	46.....	2730	75	2842
18.....	2803	47.....	295	76	2854
19.....	2804	48.....	2002	77	2953
20.....	2895	49.....	89	78	3254
21.....	2896	50.....	361	79	3301
22.....	2897	51.....	562	80	275
23.....	2898	52.....	658	81	674
24.....	2899	53.....	2094	82	2918
25.....	2900	54.....	2260	83	392
26.....	2901	55.....	2830	84	496
27.....	2903	56.....	2797	85	537
28.....	2920	57.....	2905	86	626
29.....	2940	58.....	2957	87	2253

DISPOSITION OF BILLS ENACTED

The first column gives the chapter assigned and the second column gives the bill number.

Regular Session, 2021**-Continued-**

House Bills = 4 Digits

Senate Bills = 1-3 Digits

Chapter	Bill No.	Chapter	Bill No.	Chapter	Bill No.
88.....	702	119.....	483	150.....	2834
89.....	2888	120.....	2874	151.....	2914
90.....	3078	121.....	2884	152.....	2916
91.....	3106	122.....	9	153.....	2933
92.....	78	123.....	10	154.....	307
93.....	2363	124.....	263	155.....	335
94.....	534	125.....	358	156.....	657
95.....	375	126.....	2507	157.....	2529
96.....	636	127.....	3308	158.....	3299
97.....	651	128.....	294	159.....	387
98.....	2012	129.....	297	160.....	2266
99.....	2013	130.....	338	161.....	463
100.....	2785	131.....	374	162.....	2005
101.....	2791	132.....	389	163.....	2221
102.....	2852	133.....	390	164.....	2263
103.....	2906	134.....	398	165.....	2682
104.....	3177	135.....	421	166.....	2776
105.....	3293	136.....	429	167.....	272
106.....	2372	137.....	486	168.....	435
107.....	2688	138.....	494	169.....	2008
108.....	2927	139.....	514	170.....	2009
109.....	3215	140.....	517	171.....	126
110.....	542	141.....	587	172.....	156
111.....	3310	142.....	642	173.....	160
112.....	368	143.....	684	174.....	182
113.....	404	144.....	2019	175.....	216
114.....	464	145.....	2366	176.....	296
115.....	492	146.....	2667	177.....	2382
116.....	80	147.....	2720	178.....	2400
117.....	81	148.....	2747	179.....	2427
118.....	318	149.....	2763	180.....	677

DISPOSITION OF BILLS ENACTED

The first column gives the chapter assigned and the second column gives the bill number.

Regular Session, 2021**-Continued-**

House Bills = 4 Digits

Senate Bills = 1-3 Digits

Chapter	Bill No.	Chapter	Bill No.	Chapter	Bill No.
181	343	212.....	3191	243	2145
182	346	213.....	12	244	2267
183	356	214.....	67	245	3266
184	431	215.....	334	246	34
185	529	216.....	377	247	270
186	655	217.....	671	248	305
187	2701	218.....	2024	249	344
188	2890	219.....	2093	250	397
189	3129	220.....	2368	251	437
190	3130	221.....	2616	252	532
191	3133	222.....	2982	253	641
192	502	223.....	3311	254	661
193	2773	224.....	280	255	693
194	372	225.....	2014	256	718
195	434	226.....	2573	257	2026
196	466	227.....	478	258	2358
197	472	228.....	577	259	2359
198	521	229.....	634	260	2499
199	644	230.....	660	261	2581
200	668	231.....	2621	262	2760
201	714	232.....	2722	263	2794
202	2006	233.....	3089	264	2808
203	2758	234.....	523	265	3010
204	2877	235.....	2370	266	345
205	2891	236.....	469	267	359
206	2962	237.....	2915	268	376
207	11	238.....	2969	269	2195
208	470	239.....	3002	270	2765
209	613	240.....	14	271	3132
210	2011	241.....	680	272	2997
211	2855	242.....	2029	273	3294

DISPOSITION OF BILLS ENACTED

The first column gives the chapter assigned and the second column gives the bill number.

Regular Session, 2021**-Continued-**

House Bills = 4 Digits

Senate Bills = 1-3 Digits

Chapter	Bill No.
274	479
275	419
276	458
277	2694
278	2793
279	3045
280	3107
281	2001
282	2290

DISPOSITION OF BILLS ENACTED

The first column gives the number of the bill and the second column gives the chapter assigned to it.

First Extraordinary Session, 2021**HOUSE BILLS**

Bill No.....	Chapter
101.....	1
102.....	2

DISPOSITION OF BILLS ENACTED

The first column gives the number of the bill and the second column gives the chapter assigned to it.

First Extraordinary Session, 2021**SENATE BILLS**

Bill No.....	Chapter
1001.....	3
1002.....	4
1003.....	5
1004.....	6
1007.....	7

DISPOSITION OF BILLS ENACTED

The first column gives the chapter assigned and the second column gives the bill number.

First Extraordinary Session, 2021

House Bills = 4 Digits

Senate Bills = 1-3 Digits

Chapter	Bill No.
1.....	101
2.....	102
3.....	1001
4.....	1002
5.....	1003
6.....	1004
7.....	1007

DISPOSITION OF BILLS ENACTED

The first column gives the number of the bill and the second column gives the chapter assigned to it.

Second Extraordinary Session, 2021**SENATE BILLS**

Bill No.Chapter	Bill No..... Chapter	Bill No. Chapter
2020..... 1	2011..... 10	2021 18
2002..... 2	2012..... 11	2022 19
2003..... 3	2014..... 12	2024 20
2005..... 4	2015..... 13	2023 21
2006..... 5	2016..... 14	
2007..... 6	2017..... 15	
2008..... 7	2018..... 16	
2009..... 8	2019..... 17	
2010..... 9		

DISPOSITION OF BILLS ENACTED

The first column gives the chapter assigned and the second column gives the bill number.

Second Extraordinary Session, 2021

Senate Bills = 4 Digits

Chapter Bill No.

1.....	2020
2.....	2002
3.....	2003
4.....	2005
5.....	2006
6.....	2007
7.....	2008
8.....	2009
9.....	2010
10.....	2011
11.....	2012
12.....	2014
13.....	2015
14.....	2016
15.....	2017
16.....	2018
17.....	2019
18.....	2021
19.....	2022
20.....	2024
21.....	2023

DISPOSITION OF BILLS ENACTED

The first column gives the number of the bill and the second column gives the chapter assigned to it.

Third Extraordinary Session, 2021**HOUSE BILLS**

Bill No.....	Chapter
301.....	35
335.....	32
336.....	1
339.....	28

DISPOSITION OF BILLS ENACTED

The first column gives the number of the bill and the second column gives the chapter assigned to it.

Third Extraordinary Session, 2021**SENATE BILLS**

Bill No.Chapter	Bill No..... Chapter	Bill No. Chapter
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FIRST REGULAR SESSION, 2021

Com. Sub. for H. B. 2006

REMARKS

of

HON. PHILLIP DISERIO

February 16, 2021

DELEGATE DISERIO: Thank you, Mr. Speaker. I would like to speak to the bill. I will stand today in opposition to this bill because raising the dollar amounts from \$2,500 to \$10,000 and \$50,000 where contractor's license is needed, that is where we have heard most of the complaints is from small jobs. So this really takes protection away from our West Virginia citizens and I think that is who we are here to protect.

The next problem with this bill, because there is many problems with this, the increased amounts create an unlevel playing field because contractors who play by the rules, and let me tell you what I mean by that, when you are legally operating a business, you're going to register. You register with the Secretary of State. You register with the Tax Department. You pretty much get on the radar.

Existing contractors will be forced to compete with those who do not pay, and work in an underground economy. So, you know there's unscrupulous contractors out there and this is not going to help.

The bill creates a new layer of unnecessary government, takes the responsibilities away from the Department of Labor and we give it to the Chapter 30 boards. Which basically what we are asking the Department of Labor which has streamlined this over the years, that they go, and they check licensing of multiple different plumbers, electricians, whoever it may be on the job, so this takes it, and it gives it to a voluntary board. That is what the Chapter 30 board is. It is a voluntary board of contractors. So now they are going to have new office space, is that what we need? We need new employees? Do we need new cars for these people to go out there? What is going to happen to the jobs of the people of the Department of Labor that already have jobs?

Trust me, it says they may contract with the Department of Labor, it does not say they shall. It is a bad policy, and we are going to go a little bit further. By eliminating this, by eliminating the painting contractors away from this altogether, we are sending a message out there that it is okay to cheat. Because we have had situations, multi-million-dollar state contractors, your tax money, our constituent tax money that have gone to out of state. Florida contractors that have brought people in here that violated the West Virginia Jobs Act, and it brings the people in here. They were caught cheating on \$100,000,000 bridge painting job. No West Virginia contractor asked for this. No board has asked for this.

Oddly enough, Mr. Speaker, I stand here today to tell you that it is not my union contractor buddies that are calling me. You all are getting the same emails I'm getting. Read the one from the Kanawha Valley Builder's Association. Read the ones from the West Virginia Home Builders Association. These are non-union contractors. They are not my union buddies. I don't know who we are trying to help with this bill, but I certainly know who we are going to hurt. Thank you, Mr. Speaker.

Com. Sub. for H. B. 2012

REMARKS

of

MEMBERS

February 16, 2021

DELEGATE THOMPSON: Thank you, Mr. Speaker. Ladies and gentlemen, I am rising in opposition to this bill. This is a slippery slope that we have been going down now for three years and I think we are heading in the wrong path. We are seeing across the country that charters are not working. We are wasting public education funds. That is not working. We are going to increase the amount of charter schools allowed in this state, up to ten. We currently have zero, with one applicant that was rejected. So, what is the purpose to raise it to ten? Makes no sense.

With this virtual school provision of the bill, I have some serious concerns because we are essentially going to be creating inequity in education. Inequity in that the infrastructure is not there. So, we are going

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to tell kids who live in the more rural parts of the county or where there is not broadband access that you cannot partake in this. And we have been told that you charter schools are going to be the answer to our educational needs but we are going to tell kids who don't have the access or the ability to take and enroll in this charter school that you can't join. You can't go to this virtual school. It is not going to work for you. So, ladies and gentlemen, I urge you to think about this very, very carefully. I urge you to think about the little child that will not be able to attend this school, this virtual school. I urge rejection. Thank you, Mr. Speaker.

DELEGATE ZUKOFF: We are back, year three. For those of you who are new and haven't been here, this is the third time we have approached charters. The first two times the teachers of West Virginia chose to walk out of their classroom and come to this building and stand in the hallways and meet with us and discuss why they were against charter schools and basically, because they were very concerned about their resources that are available for public schools being taken away from them further reducing the education that we can provide to children in West Virginia. They cared enough about their children to come here. They can't do that this year. They don't have that opportunity. Then I know in my case, in my district, they are happy to be back in school with their kids finally. After being in the red for months and months and months, our high school kids are back because we are orange.

But I can tell you that the teachers don't want this and I wonder since we don't even have a charter school in West Virginia yet, when we had the ability to have three, why we are pushing for seven additional, and why, when we know that we have problems with the virtual school, the Governor talks about it, the teachers talk about it, the school systems talk about it.

We know that we don't have the broadband capability to provide this for everybody in our state. Why we would even take on a virtual charter school, to me, in this environment I just can't fathom, I just can't. So, I just wonder if this isn't a retaliatory bill for the teachers who care enough about their students to stand up to us for two years and now they can't do that.

I also worry specifically, and you will see there is a page on your desk, I don't know if you have had a chance to look at it but as I spoke yesterday over half of the rural schools in West Virginia (46.9 percent) are in rural districts. West Virginia is one of the top ten in this national survey that was compiled, and I gave you the...if you want to look at it more.... but this is our state data. One in six of the children that go to rural schools have IEP's, have special education needs. One in four children in West Virginia have food insecurities in their home and we don't have to provide them lunch or a meal for virtual school, for virtual or for a public-school charter. We know, I did a little bit of research, only eleven percent of the charter schools nationally are in rural areas and only eight to ten percent of the charter schools served children with special needs with IEP's that need special education services.

So, then we talk about who does this bill hurt. This bill hurts the child whose parent doesn't have a concern for their education. Unfortunately, that is a lot of people in our area. I had a parent as an example who gave me a call. She was concerned virtual wasn't working with her children. Have you talked to your children's teachers? Now her kids are in high school and junior high. Well, no because that is too many teachers and that is the teacher's job to reach out and ask me how my child is doing. It is not my responsibility to do that. At which time I kindly told her that it was her responsibility as a responsible parent to call the teachers if she had concerns and talk to them about these issues and she let me know. She got back to me that after she talked to those teachers. She found out that there was tutoring available for her students that she didn't know about because she didn't inquire.

So, I just give that to you as one example. But let's say little Johnnie is down in, out in rural Marshall County in Cameron where we have some broadband issues and he loves school, he loves education. His mom doesn't have reliable transportation to get to work, let alone get to school. They had to find his grandma took him during the summer to get the one-week food bags that we had put out through the summer and for the rest of the school year. His parents don't really value education. No fault of their own. They have never been educated, never had any higher education, or understand that. He would

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really, really benefit from a charter school in his area. We place one in that area, that child can't benefit from this charter school because there are too many issues for him to overcome to get there. I submit to you how many little Johnnies and Sallies are there around West Virginia are we going to leave out of this system. I think public school, a free public school is defined in the West Virginia Constitution is for all West Virginia children to have access. This isn't something for just the kids that live in urban areas whose parents who have wealth and can go take them to this charter school. This should be an opportunity for every child, and we need to. I understand there are issues with the West Virginia public school system, and like you, I'd like to work on those and make this system better. But unfortunately, I don't think charter schools is the way to do that because I think it harms too many of our children in West Virginia. Thank you, Mr. Speaker.

DELEGATE WALKER: An apple a day was a joy for the children to bring to their educators back in the day. My, my, my how the times have changed that educators and personnel are now giving an apple a day to keep hunger away as one in five children in this great state, our mountain state suffers from food insecurity. We now have public charter schools. Their application can now say if they want to or not give these children food and we are ok with that with one in five that is hungry every day. See the educators and personnel give an apple a day regardless of their pain They give an apple a day without discrimination of race, sexual orientation, gender, religion or socioeconomic class.

See, charter schools go away, come back another day when education can be equity for the students of West Virginia, for the students of today and tomorrow. Broadband is an issue, yet this bill has a virtual charter school. Who does this help? Guess you get what you get, and you have no privilege to throw a fit. So today I rise, and I raise the voices of the students, the educators, the parents, those parents including grand families, those parents including biological parents, foster parents, adoptive parents, and guardians, who just want to do their job with dignity and respect. We have personnel who take care of our buildings, our public school buildings and transport our future leaders from point A to point B. A student with an IEP or a 504

will plan to have extra hoops to jump to make sure a virtual charter school is a right fit for you. Well, guess what students of West Virginia, I think you are the right fit for all because there should be no barriers or no boundaries when educating each child. We should not discriminate.

So will charter schools have a speech pathologist, an occupational therapist, assistance in the classrooms, remedial classes for math or reading as we keep stating the same rhetoric that our numbers are not good enough? So how does this help West Virginians if we are not investing in public schools? Since we are speaking about education and we are celebrating Black History Month, this bill will unintentionally discriminate and in segregate. It is modern day redlining. *Brown versus the Board of Education* in 1954 had resistance. Some counties across our country abandoned the school system for five years because of prejudice discrimination and racism. This group didn't want to sit in a classroom with others because of the color of their skin. Public charter schools will place an emphasis on us versus them instead of us and them. Freedom of choice may help those who live in an area with access to transportation. Freedom of choice may help those who live in an area with access to broadband. Freedom of choice may help those in an area living near a border county who has a charter school. Freedom in choice may help those with a certain GPA. So, my ask is simple, who does it hurt?

I sat in the Education Committee. I sat on the floor with you here today, amendments failed on party lines. Now whether we can digest this bill or not, we know you have the votes to pass it, but we just wanted to make sure that we were putting West Virginians first. "Choice without equity" is a new motto of how West Virginia will live, work, and raise a family if you choose. The people's motto is "Place West Virginian's first to stay, rebuild and succeed in our mountain state". Thank you, Mr. Speaker.

DELEGATE GRIFFITH: Thank you, Mr. Speaker. I can honestly say that everything that I have and everything that I am, I owe to two things: wonderful supportive parents, and the public school system. As I think of this bill, I realize that unintentionally monies will be diverted from the public school

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system and many of the children in my county and my district will suffer accordingly. I know that is not the intent but that will be the consequence as these children are pulled out and monies are taken from the public schools. Their bills will remain the same. Their overhead will remain the same. But their ability to serve the remaining children will be diminished and therefore I cannot support this measure. Thank you, Mr. Speaker.

DELEGATE EVANS: Last night I received a call from my local president of the board of education, and he was, let's just say, very concerned about the number of kids that are currently taking virtual classes and how far behind they are. I think our own Governor said in his daily addresses on his website that the virtual schools aren't working. Those were his words; they are just not working. There is no substitute for having a student with a teacher in front of him, in a classroom, doing laboratories, doing all the activities that would be associated with a particular class that they may or may not be taking. This morning, on I think it was Metro News that I was listening to, they had an interview and they talked about how badly our students were doing on a virtual platform. What is the difference? We have got all this terrible stuff happening with our local virtual schools, but Mr. Speaker, we are going to put in a statewide virtual school. Wonder if the Governor is going to say, that is not what I intend, that is not what I want. I can't imagine him signing the bill after saying that it doesn't work. That is what he told us. He said that. Mr. Speaker, I can't help but wonder how wonderful our public schools would be if we were to put the same amount of enthusiasm into them as we are into creating this charter school. Thank you, Mr. Speaker.

DELEGATE GARCIA: Thank you, Mr. Speaker. Today I rise in opposition to House Bill 2012 which expands charter schools. I read a quote recently, said, "Don't tell me what your priorities are, show me where you spend your money, and I will tell you what your priorities are." This is the first of many bills that we will see in this body to defund our public education system. Death by 1,000 cuts, ESA's, vouchers, weakening the requirements for certification, punitive legislation aimed at the teacher's strike, one of the only successful things that we have seen to get this body to move to fund public

education. This is the first cut, but unfortunately it will not be the last. When I look at this bill, we have an increase in the number of the charter schools in West Virginia from three to ten when not one has been established, not one has been proven to work. This bill creates virtual schools when parents and teachers alike tell me that this is a disfavored method except in times like these in emergency times and broadband still remains elusive for so many. This bill grants entities that petition our local boards of education with substantive rights.

You know, Mon County, I'm from Marion County, Mon County recently had a petition for a charter school, and they rejected it. This bill gives substantive rights and a better opportunity for these entities to get around the decisions of local entities in trying to create charter schools where our counties need those resources to help our children. You know giving substantive rights to especially, it is funny there is a constitutional right that we have, that our children have for a thorough and efficient education for each of them, for all of them. So many say that this is about education choice. I agree this is about choice. This is a choice about the future of public education. Do we choose to invest in our public schools, or do we choose to cut by cut to tear them apart? I choose my local educators, my mom, my sister, a lot of family members and teachers and they have been demoralized with what has happened with COVID-19. When they see bills like this, it takes away hope. It takes away hope that we will fix the things that can make our public education stronger. So therefore, I urge a vote against this bill. Thank you, Mr. Speaker.

DELEGATE HORNBUCKLE: Yes, sir, thank you, Mr. Speaker. First, I would like to express my appreciation and gratitude to all the members of this body. Now, I know there is quite a bit of new faces in here, but I will give you your flowers because since I have been here since 2014, whether you liked it, didn't like it, indifferent, my colleagues, all of us, you have always indulged in my speeches, given me the respect and listened. And I do appreciate that, and I would appreciate if you would do so again today. So given the nature of this bill I would like to briefly take us all to school really quick.

Public school is a noun. A school that has maintained a public expense for the

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education of the children of a community or district and constitutes a part of the system of free public education commonly including primary and secondary schools. It is funded by taxpayer dollars, overseen by elected officials.

Charter school – independent publicly funded school that has specific educational objectives free of tuition. Not as many regulations as public schools and under contract for performance standards.

Number 1, this legislation as we have pointed out time and time again, does not thoroughly and explicitly provide revocation for performance. It just doesn't.

Number 2, we currently have innovation zones. I've got two good buddies in here they are from the 17th District. And, smack dab in the middle of their district lies Explorer Academy. It is a robust, phenomenal school in Cabell County, and it does what we are trying to do here. So, I submit to you because we already have in code, to take us to public school, to completely change its curriculum and give those educational objectives. This is actually big government. We are trying to do something that is already in code for the sake of what?

Number 3, and I'm sure some of you all got it, again we are super busy right now so you might not have read it, might have overlooked it. But I think all of us might have received an email. This email is from NACSA, the National Association of Charter School Authorizers. I am going to run through this really quick.

To Whom It May Concern:

I am writing today on behalf of the National Association of Charter School Authorizers National Leader in authorizing best practices to strongly advise against the removal in authorizers authority to revoke our charter school contract as we interpret H. B. 2012 with strike language regarding revocation from the current statute. Revocation is a rare occurrence. However, it is a central for an authorizer to have the ability to revoke a charter contract during the charter term if there is clear evidence of extreme underperformance where violation of law or the public trust that imperil students or public

funds. That is a national best practice, and it is part of the principles and standards of authorizing. In exchange for greater autonomy over inputs, charter schools agree to accept greater accountability for student outcomes. When schools fail to meet the goals in their charter contracts they risk non-renewal. When schools egregiously, egregiously abuse the autonomy by violating the law with the public trust revocations that ultimate accountability sanction.

Again, such decisions are rare, and it is vital that there are clear objectives and rigorous standards for revocation combined with the transparent public process to help families and the community understand the necessity for urgent action to protect students. Revocation criteria should be clearly articulated in the charter contract and authorizers should create and publicize protocols that spell out the grounds for revocation and the procedures of revocation actions. More than 90% of authorizers across the country have established revocation criteria and H. B. 2012 will put West Virginia, our state, in a small minority of states who have chosen to ignore this critical accountability tool. We encourage you to restore the revocation language in the current bill. Additionally, we'd like to encourage you to consider the following changes in H. B. 2012, ensuring charter schools, including virtual charters, serve students with special needs, and cap virtual schools' enrollments so they are not too big to fail.

So, through this what this tells me is takes away the ability to fully to be able to revoke, it allows public schools to deny special education for students and the virtual provision in there to simply create the situation of too big to fail and this goes against national best practices.

About a week ago, we had our governor right there. He was fumbling through his charts and my good buddy from the 3rd helped him out and he was displaying that we went from 50 to number 1. Now, I probably got 99 people in here saying we really don't know about that but that is what he said. Now if we do this today, against national best practices, you are making my governor a liar. We can't be number 1 if we are going to go against national best practices by charter schools.

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When we come up here, we all have ideas. You've got ideas, you've got ideas, I've got ideas, there's advocacy groups with ideas, there's the parties with ideas, I don't care if you are Democrat, Republican, Libertarian, everybody's got ideas. But what we are not doing today is listening to our constituents. Across the State there is not a ground swell of constituents that have clamored for charter schools but that's okay, because I'm going to tell you why. And honestly, and I have a couple people in here that across the aisle that don't believe their kids will call me Uncle Sean one day. So, I am going to congratulate you all on a sweeping victory this past fall and I'm going to caution you not to be the dog that caught the car.

I know that we all have different ideologies and two years ago, and this is going to be a theme for this session, two years ago, I had the honor of working on some economic development projects back home under the consultation of Mayor Michael Coleman from Columbus, Ohio. One of the greatest ever, he helped develop Short North, Franklin District, Nationwide District, and one of the best things that he left me with was "Sean, we are a lot alike". Talked an awful lot about, talked about being a part of the radical middle, being a part of the radical middle. You know, I'm a proud progressive Democrat. That's fine and I think whether you are conservative, liberal, progressive, that is all fine and healthy but we have an obligation to our state and so you've got the numbers to get the charter schools that you want, again that is fine. But what I'm not okay with is taking the time to enhance the bill. Making it the best product for all.

Again, charter schools, vouchers, all these things are going to happen. But I encourage you to slow down, be a part of that radical middle, that is where America is at, not liberal left, not far right. I am encouraging you because there's going to be multiple bills that come up, and again you have the numbers, that's fine but let's promote the best policy for our state and that's with us sacrificing things. That's with you sacrificing things and to make this piece of legislation the best for our students. We have to be a part of the radical middle and make this piece of legislation better and we have failed to do so and so for that reason I strongly encourage you not to just vote down on this, again you have the numbers, slow down and let's take a

more concerted effort to make this legislation, that is going to impact our children, a lot better. Thank you.

DELEGATE ROWE: Thank you, The problem we are having on some of these bills, and it is going to continue it appears is we are not using fiscal notes that I have identified which is a common practice and is required as far as I know by the rules, but we don't seem to be using them or at least I haven't found them. I punch the buttons on my machine, and I may just be missing them. But we have had several bills, the Contractors Act that has implications for the budget and we have coming up on, I think third reading, the creation.... two new departments and I don't... that did not go to Finance. The real magic to our jurisdiction of our committees to deal with particular areas is that the expertise is in certain committees and Finance has always been the protector of the state budget and we are not using Finance and we are not using fiscal notes. So we are just kind of taking it to wind what kind of money we are spending on these programs so I just caution the members, in that regard, whether you favored charter schools or you favor making the Contractors Act, Contractors Board an independent agency or as we come up and we discuss the two new departments we are going to create, I think that the financial implications are very important and we are not focusing on them because we are not referring to Finance the bills that need to be referred to Finance. Thank you, Mr. Speaker.

Com. Sub. for H. B. 2013

REMARKS

of

MEMBERS

February 18, 2021

DELEGATE ROWE: Thank you, Mr. Speaker. You know I have got real trouble with this bill obviously and it is because we don't have good financial information. You say, well why don't we have good financial information? Well, because we don't have. We are not in compliance with the Rule 95a that requires us to have fiscal notes where the agencies go on in effects, swear as true, what the financial ramifications are of a bill. Sometimes they are small bills, and it is okay, sometimes there is no impact that is good.

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We always like that but when we have a bill like this, that is a game changer, a break the bank bill, we need to know what the numbers are. You say, but we can figure that out in the next couple of years, can't we?

The bill requires these students to be added to the students who opt out, That requires the private school students, requires the homeschool students to be included, apparently says in four years. Is that fair? I think the gentleman's amendment that added those folks into the bill was to treat them fairly and equally with the students who happened to be in public schools now. That is not going to occur for four years. Is that fair?

Well, the question is, is how much money are we talking? Well, it looks like we don't have a fiscal note, no agency has told us. We did have the Education Department come and say they estimated \$23 million but beyond that we don't have anything. In a floor amendment, we added \$77 million to this bill. You say, well but if we don't have to pay it now, maybe that is going to be ok. That is not fiscally responsible and you say, well what should we do?

Process matters. We have a lot of new members in this body and process.....you will discover that the process itself leads to good conclusions. This is the finest decision-making process in the world. It is tried and true, it works. But part of that is having it operate on valid information. How do we get that? For years and years, under Rule 95a, we have required the agencies to estimate what the costs are going to be for a particular legislative enactment. Now, we haven't done this at this time. So, what are we left with? We are left with pure speculation about the cost of this bill. Everybody wants to treat all of the homeschoolers and private schoolers fairly and equally. Certainly, we want to do that. But what is it going to cost? The amendment that blew up the budget is actually the one that was offered to put a cap on the amount paid to each student and it is that cap that would be fair and I think the amendment that lost was \$2500. It could be another amount. If we were given financial information about how much it would cost at different levels and different caps, then we would be able to make a reasonable decision.

It is a very unusual process that a bill that has this kind of financial impact does not go back to Finance Committee, study it very carefully and determine how much money we are really talking. That didn't happen, \$77 million was added to the budget yesterday and it didn't go back to Finance. You say, is it too late to go back there? Well you know, third reading is, you know feels like it is, a little late certainly but we didn't get that \$77 million added in until on second reading and it dramatically changes the whole program and it doesn't just affect the school county budgets because these children that we are talking about, who are homeschooled and who are already in private schools, those children and money for those children, that is not in the county budget. It will have to come in as an addition from the state budget.

So, we are not going to have the numbers, just a matter of shifting because when the original bill was presented, Education testified very clearly, we are shifting money, we are not adding money to the budget, we are shifting it from the county boards to the families. Big difference in adding \$77 million to the amount that we have to appropriate outside the school-aid formula.

I haven't, I tried to find out from my county board and was not able to find out what the federal funds are that would go with these students in the shift over. It is my understanding that the federal funds go by program and that some of those funds will shift from the county board to the private schools. Now it will not shift to the home schoolers but it would shift to the private schools and further reducing the amounts available to the county boards. And the thing that we need to understand is that, after you have been here a while, you understand that you are on, you are going to see people in the grocery store and at church who are going to say why did you do that? What was the information you had to make your decision, and I have to say I don't have good financial information. It didn't happen. There is no fiscal note. There is absolutely no documentation of what is going to happen to the budget based on this bill. We didn't do it; we had a floor amendment to not cap the amount available so we end up saying we are going to spend \$23 million on a shift from the county boards for four years to only benefit the students who are in public schools right now and will get around to the

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homeschoolers and the private school folks in four years. That is going to be hard to explain to people, how we did that to people with no financial information.

We need fiscal notes. Not just on this bill, on any number of bills that affect the finances. We need bills to go through Finance Committee whenever they have a fiscal impact. That doesn't always happen. It did on this bill and we in Finance studied it and reviewed it and the Committee voted to approve it and send it to the floor, but it was a \$23 million program that shifted to the county boards to the families. It wasn't a \$77 million addition required through the state budget. Totally different bill because of the amount of money involved.

So, I would just urge the members to review this very carefully and consider your posture as you review the bills that have huge financial impacts. You should. It is not a matter of being conservative or progressive or anything. It is a matter of being cautious, and weary. It is a matter of having bills that will surprise you and disappoint you, and I would say in this case, this is a bill that we ought to vote down. We can come back if we are going to treat people fairly in four years or three years or whatever it might be we've got plenty of time to fix it and a vote today should be I want to fix it. Doesn't have to be a vote that I don't approve of the program, it is a vote I want to fix it. I don't want to make decisions that are fiscally irresponsible. I want to make decisions that are safe and best for the best interests of all children and all parents and all school board required activities. So, in short, we are confronted with one....in my experience one of the largest floor amendments that I can remember at \$77 million, and I think it causes me to be cautious, causes me to be weary and conservative. So, Mr. Speaker, I will be voting against this bill. Thank you, sir.

DELEGATE BARACH: Thank you for recognizing me to speak to this body for the first time as a freshman delegate. I'm very, very excited and honored to be here.

The reason I want to talk to everyone about this is because of the fact I'm very passionate about education. I ran on an education platform as I know every single one of you did. Everyone of you put it on

your literature that you were for education and we are talking public education and we need to have a strong public education system here, that is the way I was raised, and I see this as a war against public education that we have going on here in the past few years. First, going after the teachers, then bringing in the charter schools and now the ESAs. All of these chipping away at public education and that is a great concern to me.

We are in the third decade of the 21st century. We are trying to move the state forward and what I see is that we are moving back. We're moving back 70 years to 1954 in Kansas as before many, before I was born, many of you this happened in your lifetime but we remember *Brown v. Board of Education*. What this was about, is that back in the 50s and areas like Kansas, and many states, we had open segregation and we had the white schools and the so-called colored schools, and they said, "Well we just wanted to keep the races separate but we'll make everything equal don't worry about it." Well, the minorities said no that is not quite right. They took it to the Supreme Court and the Warren Court, despite having the split court, voted 9-0 to and came up with the ruling that separate is inherently unequal and that's what I see us moving towards. This is an end around *Brown vs Board of Education* that we are creating a two-tiered system of education where the "have somes" and the "have mores" get to go to private schools and everyone else goes to the underfunded public schools and we are going to end up with a lot of people ending up on the short end of the stick and it's done in sort of a sneaky way. It is done in a very legal way.

I remember when I was young, I remember people talking about saying well you know why should people who don't have kids pay for public schools? I asked my mom about that, I said, well, you know why is that, and she said well because, and my mother, a very staunch Republican by the way, and my dad, too, and she said, well because it behooves everyone to have a strong public school system. Why do people move to an area, what's the first thing they ask about? How are the schools here? You know having it is a backbone of a community, it attracts people. It brings in people, it keeps property values up. You have good schools, people want to move there, and we all talk about

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economic diversification, bringing in jobs we've all said that too. That is all a big part of our campaign when we all got elected or reelected in 2020. That's one way to bring in businesses. Businesses are going to look at this area and say hey your public schools are dropping, they are not doing as well. We don't want to come there. And so that is a big concern to me as well. There is a lot riding on all this.

My colleague here from the 19th District, a couple days ago, said he pointed out that everything he has is at least in part due to a good public education and that's the way I feel as well. My daughter went to a parochial school, my wife insisted, but when she got to middle school and high school she went back to public school and now she is ready to graduate Marshall on the Promise Scholarship, thank you very much. She got a very good education and I think all kids need to have that same opportunity and so I don't like this idea of having substandard public schools and giving people the chance to get out and just because you get these Hope Scholarships, which by the way is going to stand for "I hope I don't get stuck in the public education system".

If you get one of these scholarships and you try to get to a private school it doesn't mean they have to accept you. They might say you don't fit what we are looking for which they can use if you are not the way they want you to look or the way they want you to act. It is called "cream skimming". So, that means they are going to be picking out the top kids out of the public schools and that is going to even further make a separation for us. We don't want that, we want to have equality that is what we are all about. We are supposed to be providing everyone with a good possibility, a good chance of an education no matter what your background is from of course the rich people can always put their kids through private school, that is not a problem but everyone else should have the same opportunity and it just makes for a much better community. And I am really worried that the only ones that are really going to be celebrating this bill, should it pass, are the people in Mississippi who are going to be saying thank you for not making us number 50 anymore. Thank you very much, Mr. Speaker.

Com. Sub. for H. B. 2003

REMARKS of MEMBERS *February 18, 2021*

DELEGATE MCGEEHAN: Thank you, Mr. Speaker. Just want to read to you the definition that the Chairman of the Judiciary Committee says is so ambiguous. Passage of bill. This is from the glossary of our manual. The act of passing a bill into law by either, by both houses of the legislature. So, if you were wondering what passage meant, that is what it means. Essentially when it becomes law. Not sure how one sentence could make a bill unambiguous or more unambiguous.

I've had several different attorneys in this house, some are elected members, some are elected members in leadership positions who have told me on one day that they don't think the bill applies to the current state of emergency then days later they say, "Oh, yes, I think it does apply to the current state of emergency." So I am not insinuating that, you know, there is any lying going on or any deception. I'm just trying to point out a fact that there definitely is a lot of ambiguity if some of our smartest members in here and smartest attorneys in here can't determine exactly what the fact is if this bill were to pass into law without this one sentence amendment if it applies to the current state of emergency.

And, that is sort of a travesty, and I think, I am sort of taken aback by the Chairman's argument because when I first offered this amendment and spoke with him, he never brought that up. The amendment was written right in front of him, and he never said, I don't understand what passage means. Now all of a sudden we got a diatribe that says my one sentence amendment is unclear and clouds the bill and it doesn't make any sense. It is sort of unsound.

You know, we've had one-man rule in this state for eleven months now, one-man rule. Could anybody even possibly predict that prior to March of last year? One man who is able to essentially assume the law himself, spend all sorts of money out of the public treasury without any authorization from us. We have been reduced to a social club. This

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bill here shouldn't be so controversial. I am simply asking us as a legislative body to come together and reclaim our constitutional authority to provide some sort of meaningful check against what is going on right now. Because if we don't do that, we are essentially implying that everything that's gone on over the last eleven months was acceptable, legally, and we set a very dangerous precedent going forward.

Now you know, I happen to like the Governor, you know. I have my days, but I happen to like the guy. I don't see any fault with his personality, you know, but I mean from the days of Cato the Younger republican governments, it's always opposed the one-man rule for a reason, and when we are now faced, I mean I have heard members on this floor in the past, I mean some of them are no longer here, literally decry the words tyranny against things that amount to no more than new regulations over lemonade stands, and now we're faced with essentially what you would call, you know, a soft sort of dictatorship or maybe that's not the right words to use and where are our voices? We're just sort of more relaxed about it. This should be, we should be a lot more passionate about what is going on and rectifying this situation right now.

You know, so that is problematic and troublesome to me because this is probably the largest infringement and deterioration of just a very fundamentals of the American way of government that we have ever seen in our lifetimes and we just can't allow, we just can't make exceptions to people that we like. Just imagine for a second if the Governor was not a Republican and he was a Democrat. Would we truly act the same way? Because I care a lot more about ideas than about personalities than political parties and that is what really should matter. We should try to finally put aside the differences between Republicans and Democrats and come together as a legislative branch to reclaim and reassert proper checks and balances to this system and this is a very reasonable amendment. All it says is that this state of emergency that the Governor's Office now is deriving all of these extraordinary powers from over the last eleven months must be checked by the legislative branch. That's all the amendment says, it makes it clear. That's all it does.

Think about the extraordinary powers that have been claimed by the executive branch. I mean, to my knowledge, there has been no limits conceded by the executive branch to their political power yet and that's a dangerous thing. Now, there hasn't been draconian measures taken vis-à-vis these other different states like say in Michigan but there has been no concessions to the limits of these powers. There has been, as far as I know, no talk of when the state of emergency will end. If we don't apply this check to executive power now than it is at the executive branch's discretion when it is going to end and what they can do, and we will continue to have no input.

It's just that ... I firmly believe that some people in the legislative branch desire this bill to be precisely ambiguous and unclear because lawyers can then argue that it doesn't apply to the current state of emergency and you have a strong, it is going to be a difficult time trying to enforce that this law when it becomes, if it were to become law anyway, precisely because it doesn't have this amendment and it has been taken out once already. It is pretty easy to go to court and defend the executive branch by saying well obviously legislative intent was it doesn't apply because they removed the language. So, yeh, after this one ends, I don't know maybe in 2024, maybe next year, then it may apply.

So, I understand many people have made up their minds and I don't want to belabor the point but very few people can actually resist the immense temptations from wielding the level of concentrated power which now exists under this dome and the executive branch. I mean unless you're one of the ideal forms of Plato's philosopher king or you are some sort of Marcus Ortelius or George Washington or some sort of unique brand of person who advocates all this power. Lord Hastings's quote, "Power tends to corrupt and absolute power corrupts absolutely" typically applies to human nature and that is exactly why this amendment is needed, to check human nature which always is very tempted to not only accumulate more political power but wield it and sometimes not in the best ways.

So, with that I will close. I appreciate your time and I ask for the yeas and nays. Thank you, Mr. Speaker.

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Com. Sub. for H. B. 2003

REMARKS

of

MEMBERS

February 19, 2021

DELEGATE MCGEEHAN: Thank you, Mr. Speaker. Will the chairman yield?

DELEGATE CAPITO: Yes.

DELEGATE MCGEEHAN: Do the restrictions on the duration for a declaration of emergency in this bill apply to the current state of emergency if this bill becomes law?

DELEGATE CAPITO: As I said yesterday, that is my belief, yes.

DELEGATE MCGEEHAN: It is your certain belief. Without a doubt, you believe that for certain on the record.

DELEGATE CAPITO: I believe that.

DELEGATE MCGEEHAN: There was a movement you might recall this past summer and you mentioned that you believe that this is a very strong good bill to correct the balance of power and there was a movement this past summer to push for a special session to come in here and reflect the concepts in trying in this flaw. You were presented with an opportunity to sign on to a letter to call us into session. Did you sign that letter?

DELEGATE CAPITO: Not that I recall.

DELEGATE MCGEEHAN: That's all I got, man.

DELEGATE PINSON: Yes, thank you, Mr. Chair. I will rise in support of the bill. There has been a working effort over the summer. There has been a working effort for this bill to be crafted. We heard the bill in Judiciary and after much discussion and debate in Judiciary over the bill we have presented the bill out for the House to consider now. I have answered more telephone calls and emails about this bill than about any single piece of legislation so far and I am thankful to be able to stand and to support the bill that is in front of us. To be able to make action, take action on the floor today that we can set the

precedent moving forward that there should be a balance of power and I would urge the members to consider that the legislation before us is a statement to that effect that we are trying to ensure a balance of power and that is the purpose of the bill before us. Thank you, Mr. Speaker.

DELEGATE FLEISCHAUER: Thank you, Mr. Speaker. Would the Chair of Judiciary please rise to respond to a question again?

DELEGATE CAPITO: Yes.

DELEGATE FLEISCHAUER: I was just trying to clarify when this takes effect. So, you believe that it applies upon passage?

DELEGATE CAPITO: When it takes effect. When the law takes effect.

DELEGATE FLEISCHAUER: Okay. Have you considered, are we going to have immediate effective date or are we going to have the normal 90 days?

DELEGATE CAPITO: My understanding was that it might be an immediate take effect from passage. That needs to be a motion made after this vote.

DELEGATE FLEISCHAUER: Okay. So, what happens after passage? Will the clock start ticking on the 60-days then or does it apply because we have gone ten months after 60-days? I think once the bill becomes law, so once it takes effect, my reading of it was that these states of preparedness to the extent any state of preparedness or state of emergency has been in effect longer than 30 or 60-days, respectively, they would come under this law.

DELEGATE FLEISCHAUER: So, we would not have to wait 60-days?

DELEGATE CAPITO: That is my reading.

DELEGATE FLEISCHAUER: Oh, okay, cause I was a little confused by when you mentioned the 60-days. Your reading is that because the 60-days have already long, long passed it would go immediately into effect if both Houses make the bill effective from passage?

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DELEGATE CAPITO: Well, correct when the bill goes into effect. It doesn't go into effect until, yeh, but once it is in effect it would be effective from....

DELEGATE FLEISCHAUER: Immediately.

DELEGATE CAPITO: Yes, correct. The lady is correct.

DELEGATE FLEISCHAUER: Okay, I just wanted to clarify that, thank you very much.

Com. Sub. for H. B. 2325

REMARKS

of

Members

February 19, 2021

DELEGATE WALKER: So, I just received a text message from students who are attending and about to graduate from the beauty school in Morgantown and also the one here in Charleston and they feel like we are playing with their livelihood because they are going to be entrepreneurs in our state. We are making their jobs more like a hobby than putting West Virginians first.

So continuing education, in this particular industry, is about sanitation and I do recall we are in the middle of a pandemic, that continuing education also gives them information about human trafficking which seems like the majority of the persons in this body really don't care, I guess, until it hits home and close. This happens, believe it or not, in many nail salons. The board may not have had a problem with it but is it those board members are actually in those shops?

These people have been hurting during this pandemic, and it doesn't mean that they don't have an option, that they can't continue the education, but we just keep on disrespecting the workers of this state. So I ask last remarks who is this hurting and who is this helping? Thank you, Mr. Speaker.

DELEGATE SUMMERS: Thank you, Mr. Speaker. I want to speak in favor of the bill. In doing my job, I actually reached out to my hairdresser, and she is doing cartwheels that this is going to be gone. I don't know if your profession requires CE's or not but in my

profession the government tells me even what my CE's are going to exactly be. I don't even have the choice to say I'd like to learn more about strokes this year or something of that nature. I have to do what the government tells me to do. So, my hairdresser is very happy with this, and I support the bill.

DELEGATE CONLEY: Thank you, Mr. Speaker. I rise in support of this bill. You know, I am just totally and constantly amazed when we hear COVID-19 in every aspect of every conversation. It has been something that has been very serious, and I am going to speak from the opposite side of it. I had COVID. I laid in the hospital for eleven days. Part of that in ICU, not knowing if I was going to live or die. I can speak first handedly to this. I can also say that when I go to my barber shop, I see the due diligence that he is doing with cleaning, and he does it every single time. I see, when I take my grandson to the barber shop, the due diligence that they are doing every single time, and I, for the life of me don't know how you train anybody to be more sanitary than what these people are. So, I think we just need to use a little bit of common sense here and for that reason I totally support this bill.

Vote Intention

REMARKS

of

HON. DIANNA GRAVES

February 19, 2021

DELEGATE GRAVES: Thank you, Mr. Speaker. I would ask that it be recorded in the Appendix of the Journal that I intended to vote in the negative on 2009. I got carried away with all the green button pushing. I intended to vote in the negative on bill 2009.

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REMARKS

of

MEMBERS

March 2, 2021

DELEGATE CAPITO: To the gentleman, and my friend, from the 36th, if I may have inserted some snark in my comment that it was a substitute court, I do apologize but I inserted it for the purposes of context so the

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body may understand that it wasn't the very judges that were impeached that were reviewing the issue of the day, it was, rather, judges that were appropriately and properly appointed to the bench to review the matter.

I think the question becomes, for us, is once a court intervenes in a process, where does that stop? Most of us know the importance of precedential value. *Marbury v. Madison* tells us it is emphatically the province of the Judicial Department to say what the law is, and I think this body showed great restraint and great respect for not coming right back to Charleston to issue different articles of impeachment. I think the members of this body recognized that it was a painful time for West Virginia. I think we didn't want to put our citizens and our government through that process again. Let's just let it go. Let's begin to heal. So, I would submit to you that we took the high road. We will fix it when the time comes but we took the high road.

Again, I rise today. Unfortunately, I don't think what we are doing today should be required of us but I do think it is necessary. And the Lady from the 51st and the Gentleman from the 36th, I think, kind of proved the point that I rise to make today which is that, I believe, and I don't want to quote out of context, and we can check the record but was that they weren't invalidating our decision, they were just telling us basically we shouldn't impeach the Supreme Court. Nobody gets to tell us that.

Now, what I would submit to you is, they found a loophole and a way to get out of it. It was crafty, smart. Definitely qualified people, to the Gentleman from the 36th. And to rebut other assertions that these were somehow bundled together and shoved through, I specifically recall taking them in turn, one by one, and there was a final article of impeachment that was adopted that did encapsulate more than one Justice, but we did take each one of those in turn for the record.

I agree with the Lady from the 51st. I agree with the plain meaning of the Constitution, in fact, and I agree with the Gentleman from the 37th that we should tread lightly. Again, I don't even think we should be here. I think it is just a mistake that we are correcting and Lady from the 51st mentioned the plain reading and I will read it. Article IX of the

Constitution: The House of Delegates shall have the sole power of impeachment. In *Nixon vs the United States*, Justice Brink was clarified what sole mean, he took the plain definition meaning solitary, the Websters, excuse me, the Websters Dictionary, defining it as having no companion solitary being the only one and functioning independently and without assistance or interference. If the courts may review the actions of the Senate in order to determine whether that body tried an impeached official, it is difficult to see how the Senate would be functioning independently and without assistance or interference.

We respect separation of powers. Many times, decisions that are made by our Supreme Court, they're last because, excuse me, they are not last because they are right. They are right because they are last. Well, I would submit to you that our decision in impeachment may be right to some, it may be wrong to some, but it is right because it's last and there are prophylactic measures in place through our Constitution that ensure that we are not some runaway government. It requires a majority of this body to adopt articles of impeachment and to pass them down the hallway to our friends, to the Senate, where it requires a 2/3rd majority to convict same as it does on the federal level. Those are prophylactic measures that the founders put in place. I don't sit here and project myself to be any brighter than them but those seem to be the purposes of those restrictions. And again, we respected their decision, so we come here today. And I would submit to my good friend from the third that said, well if we think something works wrong, we can come in here and we can change the Constitution. Yes, we can, yes, we can. But the voters have to approve it. But if we do something wrong, what is the check on us? Ladies and gentlemen, the check on us are the people of West Virginia and we go before them every two years and if they don't like the decision, they can send us home. I urge adoption of the resolution.

Com. Sub. for H. B. 2025

REMARKS
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DELEGATE CLARK: Thank you, Mr. Speaker. Permission to speak about the bill. Some say there are challenges. Some say where there are challenges there is opportunities. Last year we had challenges, among challenges, among challenges. But in those challenges came opportunities. We got to try new ways of living, running our businesses, educating our kids. We didn't want to, but we had to. History and policy making in West Virginia has all too often been paralyzed because of our fear of the what ifs.

Last year, we had to stop saying what if and start saying why not? The words had already happened, COVID had already happened. We didn't have anything to lose. We had to try to do something. We had to say, why not? Probably the most policy change we saw was the alcohol policy of West Virginia. Our policies are so antiquated and out of date. This policy brings us up into the 21st century. Perhaps this bill should have been numbered H. B. 2020 because 2020 presented us with the opportunity to say, why not?

Just over the border, in my home county of Jefferson, is Loudon County. There are over 40 craft breweries, countless wineries and distilleries, that are active today. In the State of West Virginia there are 29 distilleries and craft breweries. In the entire state there are 29. Loudon County is just one county, and the border is one of many that borders the State of West Virginia, but it represents thousands of opportunities of lost income for the state.

H. B. 2025 will lower the barrier for entry of new craft breweries. Distilleries to open in our state will step forward in keeping West Virginia money in West Virginia, attracting out of state money here instead of just sending it to our neighboring states. This bill will allow for new opportunities for our agribusinesses. Apple farmers will now be allowed to produce hard cider and sell it. If we want to keep our family farms operating, we need to keep open spaces profitable. We must give farmers opportunity to find other sustainable options. This is just one opportunity, with no skin off our nose, of the state that keep difference between a family farm being active or turning into a sea of rooftops.

COVID-19 showed us that restaurants could sell wine and beer to go. This was lifesaving for so many bar and restaurant owners. When bars and restaurants were shut down, they still needed to find revenue to pay their staff, other expenses, like their rent and their taxes. Businesses didn't have time for us to get in the way of saying what if. We had to act and say what we must, we must. Guess what, we are all standing here today. The sky didn't fall. Countless businesses are open today because government finally got out of the way. Why not keep government out of the way permanently and allow these businesses to continue alcohol takeout, allow delivery, craft bartenders to craft your favorite cocktail and take it home with you?

This bill will allow outdoor seating on the streets, extend their alcohol license to that seating. It almost blows my mind that we actually have to legislate this. We have to give restaurants the opportunity to sell on the street in front of their restaurant. It clears regulatory burdens for street festivals, allows beer gardens without the need of expensive special licenses and allows license holders to offer alcohol service to catering.

I want to thank all who have committed to supporting this bill. I am excited about what this means for our small businesses in our state. When I ran for office this last fall, I promised my constituents I would fight to clear the way for small businesses, get government out of the way and let entrepreneurs thrive. H. B. 2025 will make that promise come true. I ask you all to join me in supporting West Virginia small businesses voting "yes" for H. B. 2025. Thank you, Mr. Speaker.

**LETTER FROM KENNETH
MATTHEWS
REGARDING H. B. 2257
(Requested printed by Delegate Fluharty)**

March 8, 2021

My name is Kenneth Matthews. I am 37 years old and a formerly convicted person. My story is not all that unique. I was born and raised in Chicago, Illinois. Look around where I lived and there are hundreds of me. Series of bad decisions and events led me to the point where my Substance Use Disorder and my co-occurring issues took over my life.

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In 2010, I was arrested and charged with several felonies stemming from my distribution of narcotics in West Virginia. When it was all said and done, I plead guilty to one count of Possession with Intent to Deliver of Marijuana and Possession with Intent to Deliver Cocaine. The street value of the drugs that I was charged with was a combined total of \$820. In 2017 I plead guilty to two Deliveries of Heroin. The combined total of those were \$40.

I can't make and won't make excuses for the things that I did. I knew I was breaking the law but my addiction had such a grip on me that as long as I was keeping myself from being sick and some food in my cupboards I didn't care. That's the nature of Substance Use Disorders. The things that you really want to do, you can't and the things that you don't really want to do, you feel compelled to do.

My disorder started with prescription pills stemming from a knee injury I suffered while in college. Once the pills didn't help or I couldn't get enough of them, I moved to harder substances. As I spiraled down deeper, I lost jobs, apartments, and relationships. This led me to supporting myself and my substance use by selling drugs. At that time, you couldn't tell me that I had a problem though.

It was during my last incarceration that I began questioning my life and who I was. I asked myself why it was that I was comfortable in prison. Why did the consequences not deter me from the decisions that I made? I worked on my recovery. I started forming the change that I wanted to see in my life while still in prison. I questioned every decision I made and pushed myself beyond my comfort levels. I would like to take all the credit for my transformation, but many people were instrumental in my change.

For the longest time I saw no value in my life. It wasn't until others saw my value and treated me as a person and not the sum of my mistakes that that reality began to take hold. Bryan Lewin, my Career Development Specialist at Mt. Olive Correctional Complex, other inmates, and even some correctional officers were a few of those early influences.

Then on April 8th, 2020, I was released from prison. Firstly, you must understand that I made parole in February. It took 2 long months for me to secure a home plan and be released. The flaws in the system began to take form. Here I was 3 years in recovery and most rehab facilities wouldn't accept me. The reasons ranged from I haven't been in active use for so long to my charges for delivery show a life of dealing and not necessarily use. To say I was discouraged would be putting it mildly. But thanks to my institutional parole officer at Mt. Olive I finally secured a home plan and was released.

Unfortunately again, I'm not unique. Hundreds of men and women getting released from prison experience these issues. That's the nature of the system. Quick to get you in but slow to release. After my release I was in a completely foreign environment. Not only had I not ever lived in the Charleston area, but for the first time in my adult life I was truly working my recovery, staying out of trouble, and trying to live a "normal" life. I was completely lost. I didn't know how to just live.

This is where my story becomes a unique one. People and organizations came beside me and helped me navigate my new life. I had become reborn and they were my new parents, teachers, and instructors. People like my fiancé Rachel, her mother Ronda, my friends JoAnna and Greg, my mother and sisters, all saw my purpose and helped me. Organizations like Jobs and Hope, the Covenant House, Kisra, WV Cares, and countless others all provided me with help and resources to keep pushing me to be the best person I can be.

If it weren't for these people and organizations, I wouldn't be unique. I would be another statistic. I would be back in the system not a little over a month from being released from parole. It's people that help people not laws. It's caring about someone beyond what they may care for themselves that is the missing piece to the puzzle.

This bill shouldn't pass and won't work for a lot of reasons. History has proven that more laws or stiffer penalties aren't a motivating factor in the prevention of criminal offenses. If the intention is to help people reintegrate into society and provide a mechanism to help them work through their

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addictions and criminality, then why provide a possibility to overload an already clogged system?

I saw a story about a probation officer that was given an award for probation officer of the year for managing a caseload double the recommended size. My first question is why would she have to have a caseload double what it's supposed to be? Then secondly, what type and quality of supervision could/did she provide?

Now the discussion is about instituting a law that would add to the already tapped probation officers caseload. I know that there are provisions being put into effect if this bill were to be passed that would add probation officers. My question is if probation officers' are facing large seemingly unmanageable caseloads already why aren't more being hired now? Wouldn't that possibly help with the recidivism rate? Wouldn't that help provide a mechanism to help facilitate probationer's getting access to life saving/changing resources?

As a person that has been through the criminal system I know first-hand that at sentencing criminal offenses are generally regarded in the worst light. Most judges sentence someone to incarceration because they feel that the offense committed wasn't deserving or eligible for an alternative sentence. With this bill a person that was sentenced to incarceration is now being told that you should also be on probation beyond parole. If they should be on probation, why not just sentence them to probation in the first place.

The application of the extended supervision after the expiration of an individuals term of incarceration, probation, and/or parole sends a plethora of mixed messages. Firstly, as previously stated why not sentence someone to probation in the first place instead of incarceration if you're suggesting that they serve an extended term of supervision after the fact. Secondly, it can send a message to the individual that if they had successfully completed their term of incarceration, probation, and/or parole, that the changes that they made in their life weren't enough! They weren't good enough or didn't do enough. Thirdly and just as relevant to the last point, it sends a message

to the probation department, parole services, and parole board, that they were wrong in releasing that individual from incarceration, parole, or probation.

It is common knowledge that if parole services, the parole board, or probation department feel that you need to be on parole or probation longer they have policies in place to facilitate that. I could understand a little more readily if this bill were to be applied to the some of the offenses outlined within it, if it focused only on the individuals that discharged their sentence within a correctional institution thus not being eligible for supervision as currently outlined within the criminal code. But it doesn't make sense to apply it to individuals that successfully completed their term of parole after incarceration or probation.

Without delving to deeply in the fiscal aspects of this bill, why not use the funds that would be needed to really support this bill for programs that actually work in helping someone succeed in life? Why not put programs in place within the correctional facilities to teach REAL life skills? Why not place recovery coaches and reentry specialists within every facility? Wouldn't that better serve the communities in this state and the individual better if you provide an opportunity prior to release from incarceration?

I can't say enough times how important Jobs and Hope were in helping me succeed. Shouldn't we double down on programs that are working? Aside from it helping the individual like me to find their purpose and value in life, don't we owe it to our communities to really prepare and arm someone with every available resource to succeed?

I was told at the House Judiciary Committee meeting that as great and inspiring as my success is, I'm the exception and not the rule. Firstly, to that delegate I would like to say, you are sadly mistaken. While I may be more known now, there are hundreds if not thousands that were before me. Listen in at any number of recovery meetings. You'll hear stories just like mine or worse. But you'll also hear how they changed. I'm at the front right now because I chose to speak for those that felt like they

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shouldn't because of their past or couldn't. The fact remains that I am NOT unique.

There have been some amendments passed in relation to this bill to try and make it more palatable. However, when reading it, I still choke. If this bill were law when I was sentenced, I would have been eligible for the extended supervision. Not only what I convicted of Delivery of Heroin. It was multiple drug offenses. So where the amendment/clause dealing with amount may have not applied, the section regarding multiple drug felonies would have. Should \$40 worth of heroin make someone eligible for up to 10 years of supervision? I know of formerly incarcerated individuals that shot people or committed burglaries that don't get that.

Some delegates say it's up to the judge's discretion and after a year an individual can petition to be released early. In order to petition for early release, you must follow the Rules of Criminal Procedure because it is a sentence imposed by the court and ask for a Reconsideration of Sentence (Rule 35b). However, according to procedure a defendant must submit their first filing within 90 days of sentencing and the judge is under no compulsion to ever acknowledge the filing or hold a hearing on the merits of the motion. If a defendant fails to file the motion within that 90-day period, they lose that remedy and can't file later. Yet again another obstacle for an individual to show the merits of their life change.

Notwithstanding, any criminal defense attorney within the state can attest to how often, within their practice, they have prevailed on those motions with regards to drug offenders. I have personally filed three and have yet to even have a hearing on the merits of my motion!

Delegates, you may intend to help and really do some good within our state. I believe in the goodness of people and have seen first-hand how we in West Virginia rally selflessly to the aid of others. I know the power of hope and redemption! However, this bill will not do that. It will take from others. It will hurt people, families, and communities. It doesn't inspire hope or redemption!

An individual gets released from incarceration. They get a little job and are barely surviving. They pay their parole fees every month. They work their recovery and avoid any law enforcement contact. They are told by a company that as soon as they are released from parole that they will be hired on and have a career with room for advancement and relocation. Their family is all struggling to make it. They make too much for a lot of assistance services but too little to really get ahead.

They are excited to have the job opportunity and know that they will be able to provide a better life for their family. After all, they helped take care of him during his incarceration. They spent money on gas for visits, money for phone calls, money for letters, and even paid his parole fees for the first couple months until he found a job.

He promised he'd do better, get off parole, and be a provider for his family. He's not in the news speaking at the Capital. He works long days for low pay. He could do what he had always done and take a chance. He could sell just a little to add a little money to his family. He knows enough people. But, he's done too much time as it is. He's missing out on family events because he can't travel without permission. He's on the verge of giving up, but release from parole is just a couple months away and then a great job/career.

He gets a notice in the mail for a court date. He has to go in front of the judge with his public defender to see if he has to do an extended supervision. At the hearing it's brought to the judge's attention that he had a relapse early in his parole. He did a shocker at the regional for 30 days and hasn't had a positive urine screen since.

His public defender tells the judge that his client is working and has the potential for better employment. Since his relapse he has maintained his recovery and his hoping to move forward with his life. The judge asks him do you go to recovery meetings? He says no; he works too long to make it to meetings. The judge asks him do you have a vehicle? He says no; he's barely making his parole fees each month. The judge after a few more questions and answers determines that he should receive another year of extended supervision.

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He is given a curfew, a higher supervision fee than the \$40 he is currently paying and told he must attend 3 recovery meetings each week. He returns home feeling defeated. He knows he's been trying and felt like it wasn't enough. He tells his current employer of his new curfew and that his schedule needs to be changed.

The change in his schedule means less money. The curfew means less activities with his family. The extended supervision means the job he was going to get goes to someone else. Someone not on supervision. His family struggle increases. They all feel like they didn't do enough.

Ask yourself this...

1. Did he fail?
2. Did his family fail?
3. How did the extended supervision help him?
4. How did it help his family?
5. How did it help his community?
The state?

That is just a practical example of what this bill could/would do to someone. That someone could be a neighbor, relative, or relative of a friend. HB 2257 isn't what people need. It isn't what people want. They need resources. They need hope. Vote no to HB 2257 and come together as a state and lead the way as an example to this nation that West Virginia picks people up and doesn't kick them when they're down.

Not Unique
Kenneth Matthews

CRAIG HAVENS

REMARKS
of
HON. ED EVANS
March 9, 2021

DELEGATE EVANS: Mr. Speaker, I have three high schools in my district. One of those is Montcalm High School. The principal of Montcalm High School, Mr. Craig Havens, passed away yesterday. He is the active principal. A lot of hurting kids and teachers and community members. Principal Havens and his wife, Cindy Havens, are dear

friends of mine, the family, their sons, their daughter. When Montcalm didn't have a football field, Mr. Havens borrowed the bulldozer from his dad and built them one.

He coached the football team, the basketball team. He went on to become the athletic director. He and I spent an awful lot of time on the phone together scheduling games. His wife, Cindy, ... coached against her numerous times in softball games and his son hired him as athletic director to referee for us. So, the Havens family literally is the glue that holds Montcalm High School together. Today the community is hurting. I would ask that the House would remember them in a moment of silence.

REMARKS MADE DURING THE XIV ORDER OF BUSINESS

REMARKS
of
HON. BARBARA FLEISCHAUER
March 10, 2021

DELEGATE FLEISCHAUER: Thank you, Mr. Speaker. I am going to talk about something positive today. Today is the anniversary of the passage of the suffrage amendment in the State of West Virginia 101 years ago today on March 10.

I just want to tell you a little bit about the drama. We have had some drama here this year but there was really a lot of drama back in 1920, and interestingly, there was supportive the suffrage amendment from both Democrats and Republicans. But Republicans really led the way to the passage of the suffrage amendment here in our State.

The Governor, John Cornwell, ordered a special session to convene on February 27, 1920, and that was the off year, but he ordered it anyway because he supported it. There were two attempts during that, on March 1st and March 3rd. The Senate voted on it, and it was a 14-14 tie.

Then there was a young man named Jesse Block who was vacationing in California, and he took a cross country trip all the way from California to come back to West Virginia to vote in favor of the amendment. Well, he gets to Chicago and the Republican

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National Committee arranged a plane for him to fly. Well, Mrs. Block was not interested in flying. So, they ordered, arranged a special train so he came and stayed overnight, and on the appointed day which was March 10th, the Senate and the Legislature stayed in session. The House had already passed it. He walked over to the Delegate Capitol, which was downtown then, and voted in favor of the amendment and it passed.

The National Women's Suffrage President, Carrie Chapman Catt said that was key to the passage of the suffrage amendment nationwide. We were the 34th state. Tennessee became the 36th. If it had failed in here, it would have really set back the movement. So, I think that is worth celebrating. I think we should always celebrate March 10 as the day when half of the population in our state was finally given the opportunity to vote and to express their choices. So, that is all I have for today. Thank you.

JIM MCCALLISTER

REMARKS
of
HON. RIC GRIFFITH
March 15, 2021

DELEGATE GRIFFITH: Thank you, Mr. Speaker. There is a funeral being conducted in my hometown right now for an individual I dearly love. But I ask you all to consider something at this moment. When I was a young boy, my mother gave me a clock radio. I thought it was so I could enjoy music. She wanted to teach me to get myself up.

Well, I noticed with that clock radio that I could pick up distant radio stations and began to listen to KOMX in St. Louis during Stan Musial's last year in the Big Leagues when he was 42 years old and I came down to breakfast one morning telling my mom how Stan Musial, that ancient man was leading the league in hitting, and that he was my hero. Well, my mother gave me a great lesson at that moment. She said, well, he is a great baseball player and he seems like a fine man but you need to look closer to home for your heroes.

You have coaches, teachers, Sunday school teachers, neighbors, aunts, uncles,

they are the real heroes of your life. She made me start writing in a little spiral notebook the names of people that were my true heroes. Jim McCallister is one of those people whose family is now mourning and celebrating his life. He was a coach. He was a member of our city council. He was my neighbor. He was a friend and a great person, and he reminds me of the end of the musical play Camelot. For those of you that have seen it, at the end of the movie, King Arthur is about to fight the last battle of his life and a young boy approaches him wanting to join the fight and he asks him why. He says because he admires the values of being a Knight of the Round Table. Arthur tells that young boy to go home, grow up and to grow old, and to keep those values in his heart. As he is standing there, another character in the play asks him, "Who was that, Arthur?" His reply is, one of what we all are, just a drop in the great blue motion of the sunlit sea. But some of those drops do sparkle.

Jim McCallister, in my community, was one of those people. You all don't know him. However, you know people in your lives that were a small drop but a tremendous sparkle to add meaning and guidance in your life and I ask now that we all rise and have a moment of silence, not just to remember Jim, but to remember all the people that inspired us to be here. You all are my heroes. You have chosen to serve our state and I ask that we remember how dearly it is for us to do what we were taught and to be good citizens and to serve the State of West Virginia the way Jim McCallister did. Thank you for joining me.

COM. SUB. FOR H. B. 2368

REMARKS
of
MEMBERS
March 23, 2021

DELEGATE SUMMERS: Thank you, Mr. Speaker. I am going to take off my mask because I want to make sure you hear me today. I stand in absolute awe that we have to pass a state law to make some health care facilities treat our family members and our friends with compassion by allowing visitation. We have seen the videos of residents at long-term care facilities waving through the glass windows all in the name of public health. How is that acceptable? Days

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and months pass by and no visitation. The hospital settings were no different with their visitation policies. Heck, I spent three hours in a local ER here after a dog attack this winter. I could have benefited from having a family member present.

I can't even imagine what Mylissa Smith must have gone through over five hundred hours alone and realizing she was getting sicker and sicker by the day and not one loved one by her side. Perhaps what bothers me even more, is that doctors and nurses sworn to do no harm became complicit with this policy. There is no justification for this. We stand up against these policy decisions that create harm to those who entrusted us in our care and today, we as a body say "No more."

DELEGATE TULLY: Thank you, Mr. Speaker. The comfort that comes from holding the loving hand and the peace that comes from being spiritually fed should never be underestimated or trivialized. Just as a child reaches the hand of a parent for comfort during uncertain times, our elderly and our ill have been reaching out as well.

Nurse Mylissa Smith recognized the despair that patients and families were feeling as a result of being denied visitation during the COVID-19 pandemic. She took the time to see the unmet needs of patients and she selflessly chose to care. Mylissa used compassion, knowledge and skills to guide some of our most vulnerable citizens through a distressing situation.

When I think of restricted visitation, I also think about my friends since we determined visual aids were permitted, my friends Kim and Kathy, that are from my district and I think about their parents, the Monroe's. Mrs. Monroe, 94 years old, living in a long-term care facility. Mr. Monroe, also a very advanced age, living at home with some assistance. Prior to COVID-19 they visited very frequently. Imagine being Mr. Monroe separated from his bride of 69 years, unable to hug her, unable to hold her hand and unable to feel the comfort that familiarity brings. As a result of the visitation restrictions imposed by the facility, they were not able to enjoy as much time as they should have together and sadly Mrs. Monroe

suffered a stroke last week and has transitioned to her heavenly home now.

My heart breaks for their family and those others in similar situations. There must be some discernment and consistency in the manner in which facilities implement policies and procedures now and in the future. Patients and their families deserve to have their unique circumstances considered. They deserve to have creative solutions to help them feel some level of connection.

This bill addresses those concerns. Giving people the permission to be together in the sunset of their lives will take some ingenuity and it will take some extra effort from the leadership of the facilities, but it is the right thing to do. When you vote on this bill today, please remember citizens like Mylissa Smith and Mrs. Monroe. Honor the significance of human connection and spiritual support. Honor memories and their families. I am voting green on this bill. Thank you.

DELEGATE LINVILLE: Thank you, Mr. Speaker. First to my friend, the gentleman, the lead sponsor, good work. To the family in the gallery, I am so sorry what you had to go through. You know, I had called the lead sponsor just before session began and I said, "Hey I want on that bill." My mother called me and said, "Daniel, you better sponsor that bill", and little did I know that three days into legislative session that my father would find himself in a position wherein he was fighting for his life, and it was difficult for us to be able to see him.

This weekend my father is in Columbus at Ohio State University, and it is 7pm. My dad didn't want to let go of my hand as I had to drive back here, now why did I have to leave at 7? It wasn't because I wasn't willing to drive through the night to come back here and come back to work for the people of West Virginia. It was because that was when visitation hours were over. My dad has spent 40 days in intensive care, 40 days. He has nearly died repeatedly, and I got to hold my dad's hand for about eleven hours yesterday and I would have held it for another eleven if I could have. We need to pass this bill because it matters to these families and there are people that are truly affected by this, and we are saying, you know what it is fine there won't be liability if somebody catches an

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infectious disease, but I hope that whole board lights up green because people deserve dignity. Thank you, Mr. Speaker.

DELEGATE D. JEFFRIES: Thank you, Mr. Speaker. Many of you watched the video that I shared with you about Mylissa Smith's story. I appreciate your support for this bill as well as your shared stories. They are too similar to Mylissa Smith's story. I chose to honor Mylissa because she gave of herself on weekends, away from her fulltime job, when she witnessed firsthand the need of those that had no advocate or anyone to help ease the anxiety of being socially isolated. Tragically, Mylissa became the one in need. She contracted COVID and spent the final four weeks isolated in a hospital.

This bill is not just for Mylissa, not just for her husband Wesley or her family. It is for everyone that has a story just like Mylissa. It is for the front-line workers that have shared the grief and carry the burden of those that they watched suffer day after day through this pandemic. This bill will never wipe clean the windows and the lipstick stains and the tears. It will never return the lost days that should have been comforting loved ones. We can only pray that going forward we have done all we can to ensure humanity is preserved for those in need in such times as these. Thank you, Mr. Speaker. I urge passage of the bill.

COM. SUB. FOR H. B. 2982

REMARKS

of

HON. DANIELLE WALKER

March 24, 2021

DELEGATE WALKER: Thank you, Mr. Speaker. Good morning, colleagues. My colleague from the 32nd opened up his remarks about this bill with the statement that hit very hard for me. It is a day to celebrate to be alive. We should be thankful. We should be humbly honored that we got to rise and open up our eyes this morning. A positive pregnancy test, a fetus starts to grow, a decision has to be made. To become a parent or for the parents are to terminate that pregnancy. You start overthinking and praying, looking at your bank account. You start evaluating your mental health, your

household. If you have any other children with any special needs, your own health. Then I thought back to what my grandmother always said, when you become pregnant, you have one foot in the grave and one foot out. I received several emails about this bill and several of you know I was strong outspoken presence on social media, and I shared something very personal with my colleagues in the Health Committee.

Not for any judgement, but I'm not going to speak to you as an endorsed candidate of Planned Parenthood. I am not going to speak to you as your colleague. But I'm going to speak to you as a person who has had an abortion, and I tweeted that, and you can pray for me but what you shouldn't do is pass judgement on me. The reply was, did you ever hear of birth control? Abortion is murder. Planned Parenthood is satanic. God will forgive the women who aborted. The abortionist will go to the darkest place in hell. Do not call yourself a child of God until you condemn abortion. You can be saved Danielle. Repent.

Well, I have heard of abortion, and I have heard of birth control. I didn't want to hear my rapist stripping my humanity as he forcefully, without consent, used and abused my body. He committed a crime. He killed my confidence, my choice and my consent and my eyes and my mind. He is the villain. I pray for him but for many years I held that day very close, the seconds, the minutes, the hours and the years. My prayer was to die in that moment. I did not want to be alive. But I know my heavenly Father heard my prayer. I had one child. It was my choice. It was a very hard one.

I am not here to tell you how to vote one way or another because as I have been telling you for the past two years, West Virginia is my second chance home. But the added pressure that you are putting on that person who is in that office is not fair. So, I leave you with this. 'Til you walk in my shoes you can never see my blues. Until you feel the pain of a broken man or woman you can never start to understand. Have a little mercy. Show a little mercy. Give a little mercy. Listen to that song by Anthony Hamilton. Thank you, Mr. Speaker.

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H. J. R. 3

REMARKS
of
MEMBERS
March 31, 2021

DELEGATE BOGGS: Thank you, Mr. Speaker. Gentleman yield. Good morning. When the Lady from the 4th asked the question about nothing in that resolution would require us to make counties whole, would there be anything that would prohibit us from making, a future legislature, if this would pass, from making counties whole?

DELEGATE CAPITO: No there is not.

DELEGATE BOGGS: So, it would be up to this body to. They could make them whole.

DELEGATE CAPITO: Absolutely.

DELEGATE BOGGS: Alright. Now, second question. The business and inventory tax. What is the breakoff here for, who would get this, and I don't want an exhaustive list, but I mean we have done precious little for small businesses? Is their inventory going to be exempted in this?

DELEGATE CAPITO: Absolutely.

DELEGATE BOGGS: How small? I mean your neighborhood hardware.

DELEGATE CAPITO: Could be, yeah.

DELEGATE BOGGS: So, that would be up to the legislature?

DELEGATE CAPITO: Absolutely.

DELEGATE BOGGS: So, this body could come back and have the ability to actually give inventory relief to small businesses? Because they are the ones I have heard from that need it more than the large companies and corporations that I think this whole thing was geared toward to begin with.

DELEGATE CAPITO: Yes, this would apply equally across the board to all business.

DELEGATE BOGGS: So, this goes on the ballot if it passes....

DELEGATE CAPITO: Depend on what legislation we pass it would be on the ballot in '22.

DELEGATE BOGGS: Literally as early as 2023 the legislature could weigh in about fulfilling the need to make the counties whole as well as including small businesses with some inventory tax relief.

DELEGATE CAPITO: As soon as 2023 West Virginia small businesses could see significant tax relief.

DELEGATE BOGGS: Thank you.

RITCHIE COUNTY COACH KENNY WRIGHT

REMARKS
of
HON. TRENTON BARNHART
March 31, 2021

DELEGATE BARNHART: Thank you, Mr. Speaker. I rise today because the people of my district are hurting as we grieve the loss of longtime coach Mr. Kenny Wright. The people of Ritchie County, the Mid Ohio Valley and the State of West Virginia lost a true leader, a role model and a man of character. A Pleasants County native, Coach Wright was a former Pennsboro and Ritchie County High School basketball coach, football coach and athletic director of both schools. He was heavily involved with the state coach's association as well as a great ambassador, just a great ambassador for the high school athletes of the Mid Ohio Valley and across our great state. He was a good coach but even a better man, a dedicated teacher, a true community leader, he had a tremendous long-lasting impact on the youth of Ritchie County and will be dearly missed.

Truly both Pleasants and Ritchie Counties are better because of the contributions of Coach Kenny Wright. Please remember Coach Wright and his wife, Carolyn, daughter Kenna Sue, and his son Ronnie in your thoughts and in your prayers. He touched the lives of many and while he is gone, he will never be forgotten. It is with a

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very heavy heart that in his honor, and in his memory, that I ask the House to stand and please observe a moment of silence. Thank you.

UPPER BIG BRANCH MINE DISASTER

REMARKS
of

HON. MICK BATES
April 5, 2021

DELEGATE BATES: Thank you, Mr. Speaker. Today is April 5. For me and many in Raleigh and our surrounding coal producing counties in West Virginia, it will never be just another day. Today is the anniversary of the UBB. Eleven years ago today, 29 miners were lost during an explosion underground at the Upper Big Branch mine. On the member's desk is a copy of the program from that first memorial service ten years ago that list the names of those men who went to work and who never came home that now rest in peace in a better place and whose families continue to grieve.

Mr. Speaker, we stand to acknowledge the thousands of coal mining fatalities that have occurred in the history of our state. We stand to acknowledge our great debt to those men and women that go beneath the earth to work each day to mine the coal, to make the steel, to make the electricity that builds and powers our nation and the contribution that coal mining and coal miners have had and continue to have on West Virginia. We stand to remember how eleven years ago we came together at a time of great sadness to lean on each other in the unique and caring way that is West Virginia, in support of family, friends and neighbors. We stand to remember that when the eyes of the nation and the world were on us like at no other time in our history, they saw what we know and experience everyday, that West Virginia is a special place and West Virginians are a special people. We stand and remember these 29 and in doing so all present and past who cut the coal and whose lives were cut short by disaster or disease. We stand to remember for what is remembered lives on. Please join me in observing 29 seconds of silence and remember 29. Let them find rest from their labors for their works accompany them. Thank you, Mr. Speaker.

I would ask the Gentleman from the 31st, Delegate Toney lead us in prayer.

DELEGATE TONEY: Dear Lord, today we remember the eleventh anniversary of the UBB explosion. We look to you for comfort. You tell us in Matthew 11:28, come to me all who are weary and are heavy laden and we will give you rest. Lord, as we recite the miner's prayer each day, I descend into the hole to earn my living digging coal. I pray to father heaven above that I may return to those I love. If somehow death I should meet, I would wake at Jesus' feet. I want my loved ones to be sure that in Heaven's arm I am secure. You tell us in Psalms 23:4, even though I walk through the darkest valley, I will fear no evil for you are with me, your rod and your staff, though shalt comfort me. Lord, we will continue to pray for the comfort of the family, friends and coworkers of our 29 miners. Lord we also pray for all of our miners and if one doesn't know you, we pray that you will speak to them before it is everlasting too late in the Lord Jesus Christ we pray. Amen.

VOTE EXPLANATION – ROLL NO. 446

REMARKS
of

HON. BARBARA FLEISCHAUER
April 6, 2021

DELEGATE FLEISCHAUER: I had mistakenly voted "yea" on the motion regarding Com. Sub. for S. B. 590, Roll No. 446, and ask unanimous consent that the mistaken vote be recorded in the Appendix to the Journal.

COM. SUB. FOR S. B. 387

REMARKS
of

HON. DANA FERRELL
April 7, 2021

DELEGATE FERRELL: Thank you, Mr. Speaker. As I listen to arguments on both sides of this bill, I stop and think about, as I do with most bills in here, is what is the spirit of the bill and this bill looks at attacking a drug situation that we have in our state and my fellow delegates that have stood up and

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spoke against this bill talk about the compassion that we should have toward these people but you know I want to take it back to a more personal level.

If anybody in here and I know some of you have that have somebody in your family, and especially your immediate family, that is suffering from a drug problem or drug addiction, one of the things you find out real quick is that drugs takes over the brain and it starts to work on the members of that family and starts to play at their heart strings. If you have ever been there and I can tell you as a parent, and that parent is pulling at you. Hey just give me \$20, just give me \$20 and leave it in the mailbox out there and I won't bother you because you know you don't want that person under your roof with other members of your family or children that you have. If you have ever been in that situation and as a parent, you're trying to figure out what to do. Cause everything in you as a parent wants to help and provide and be compassionate to them. But I will never forget looking for advice. What do I do? You almost know they are going to go out and buy drugs with that \$20 or whatever they are asking for.

So, I contacted one of the directors of one of the largest and most successful drug recovery centers over in Huntington one night and he said, "Dana", he said, "So much as give them a peanut butter sandwich you are helping kill them." I thought about that for a long time, and it really went through me, and it struck me to this day because everything in us, rather we see somebody out here on the street corner panhandling and asking for money and you almost certainly understand that they are probably, the money you get them is going to be used to something that perpetuates the problem.

So, I see if we look at it, we are that family in here today. This problem is knocking on our door asking for money and we have to have the compassion actually the strength within us and it is really hard to say no. It is hard. I have been there. It is a struggle. Am I doing the right thing by denying them that opportunity to perpetuate the situation? They can actually go get the proper help and then their kids and their families and everybody else that is affected by this ongoing perpetuated problem, and if we continue to feed it with this program, if we don't put this

type of teeth into the bill will actually perpetuate the problem?

So, what is the compassionate move we have to ask ourselves today? I can tell you if we break it down to a family or personal level, can tell you I have been there and I know many of you have. So, you have to say what is the right thing to do? This bill here gives us a chance to say, "Hey, no, we are not going to continue to allow you to perpetuate the problem. We want you to go get proper help and then if you do that and you do it the right way, we will be there to help you. We will be there to help you and pick you up and that is what the program is all about." That is what I see. That is the spirit of the bill. So, I will be voting for this bill. I hope you will look at it the same way and that you will follow suit. Thank you, Mr. Speaker.

COM. SUB. FOR S. B. 4393 (Motion to Reconsider)

REMARKS

of

HON. TY NESTOR

April 7, 2021

DELEGATE NESTOR: Thank you, Mr. Speaker. I am the Delegate that requested that the bill be reconsidered. One of the reasons why is it came to my attention, and it hit me later, and please forgive me that, I didn't prepare myself by reading the Senate's amendment to this particular bill. I will be the first to tell you I don't like the bill at all but to be punctual, one of the issues with the bill is that in our amendment, Delegate Steele's amendment, that this seatbelt admissibility would not, the non-wearing of the seatbelt would not be admissible to civil action if any crime enumerated under Chapter 61 of our state code had been violated. Then the Senate amendment as I understood only limited those offenses under Chapter 61 to three different instances. One of those instances was fleeing while DUI, one was fleeing with reckless indifference, I think, and fleeing from police officers. Something in that realm.

But one of the reasons why I want to reconsider unfortunately as an attorney and believe me the reason I am standing in opposition to this bill when I get my chance to speak to that, if I get that chance, is because....am I free to talk about the bill

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completely now? Is it open? Well, I am going to start out and I started talk about the amendment and I appreciate that Delegate Jeffries. Those three different scenarios don't contemplate something. As I was saying, I practice criminal law, it is amazing to me and hopefully it is amazing to many of you that don't do this, how often people use a vehicle as a weapon, okay?

So, say people get into a dispute in Kmart or a bar or something like that. Let's say they are not intoxicated because I know there is a proviso in the bill that says that wearing or non-wearing a seatbelt is inadmissible when someone who impacts you in a vehicle is intoxicated. But, notwithstanding that, people get in their cars and run in to other people. So, envision a scenario under, without Delegate Steele's amendment where someone not negligently but willfully uses their car and drives into you while you are seated in your car. Say that there is two, a couple is getting a divorce and an overzealous husband ram into his soon to be former spouse and her alleged boyfriend and they don't have their seatbelts on, they are in their driveway. Those people can't recover. Their recovery is going to be substantially diminished because in the legal system, my experience has been, it is a cold dark place. Nobody gets the backdrop when you get in. You are operating in a vacuum, okay. It is an adversarial system.

So, when you are debating about whether or not somebody should get something, you have the plaintiff's attorney representing the injured party, you have the defense attorney representing the insurance company and the defense attorney is obligated to say, "Hey, these individuals that you call victims did not have their seatbelt on." Doesn't matter that they weren't moving. It doesn't matter that somebody willfully rammed into them. These damages that they are complaining of, that they didn't cause by any action of their own is something that is going to be our experts saying is not compensable. They wouldn't have suffered these damages had they had their seatbelt on.

So, I rise not in support of trial lawyers or the insurance industry. I rise in support of principle. Now, I am going to speak to the bill for a minute. The bill to me, is fundamentally unsound. Just think about it, it appears to me to be something like if you are walking into a

boxing gym unknowingly and you get sucker punched in the nose and your nose is broken. It is almost like you don't get to recover because you weren't in a defensive posture when you went in there. So, likening it in this, to what this bill touches on, is you have motorists out there obeying every single law, every single motorist's law that there is in this state. They are operating their motor vehicle with absolute deference to other people's rights. They are driving safely; they are being responsible to other people. They are out there doing everything right. They are driving the speed limit. They are looking around. They have a car with proper equipment on it. They are doing everything they can to keep other motorists safe but somebody negligently runs into them.

Let's just say it is at a time when they were thirsty and that we've all encountered this. Maybe some people that maybe have a little bit of gift of height but when you have that rolling sixteen ounce bottle that you want to drink over in the passenger seat you have to unbuckle to reach over and get it and you are using two hands to take a little drink and in that fifteen seconds later, while you are doing that, boom you get impacted. Because of that you may not be able to walk anymore. I have seen this, you are crippled, or you have cosmetic injuries and guess what, because in that moment in time that moment when you were doing everything right, somebody else's negligence came about and injured you and, in that scenario, you may have to have vocational treatments. You may have to have things you cannot afford. Maybe you want a little bit of confidence back from your facial reconstruction. You are never going to look right but maybe you could get that confidence for the rest of your life if you could afford cosmetic surgery. But you can't because the lawyers on the other side said you weren't wearing your seatbelt at that time, and those damages, you wouldn't have sustained them without that. I think that that is fundamentally unfair.

So, we have talked a lot. We have passed a lot of good legislation. I think that one of our overarching things in this chamber has been for a substantial period of time or substantial period of this legislation of this session has been let's make West Virginia more attractive to other people. So, evaluating this legislation on who it helps and who it hurts, I don't know that it helps

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anybody. I mean it is not going to decrease anybody's insurance premiums. It is not going to really do anything. But what I can tell you it will do, is nobody is going to look at West Virginia and say, "Hey guess what? Let's move to West Virginia and if by some terrible misfortune somebody runs into us and we happen to not have our seatbelt on when we run to the gas station and get some milk and eggs, I might not be able to recover from them. I don't know how that makes West Virginia more attractive. So, I wanted to share that too. Like I said, with the Senate's amendments it doesn't contemplate a bunch of other situations where somebody could willfully harm you and your recovery would be diminished. So, really, I have thought a lot about this ever since we brought this up and to me it is a matter of principle because of the sequence of things.

In summation you are doing everything right. You are being responsible to your fellow man and woman by operating your vehicle and you are injured and somehow that fault is now imputed to you. Somehow you now have a problem, but you did everything right. I would ask people to just reconsider things. If it is for that one person that is injured that gets a diminished recovery or that thousands over the course of time however this legislation is there, just think about them for a minute. In comparison with what this legislation doesn't do for our state. It doesn't make us more attractive for people to live here. It doesn't make any economic sense really either. Please just reconsider that because it is a real issue. I thank everyone that enabled me to stand up here as a rookie legislator and at least speak my mind on it because I felt like a coward when I didn't stand up before and no matter how this vote goes down, although I feel I am in the right, I will at least know that I said my peace. I appreciate all of you and your courtesy for allowing that to occur. Thank you, Mr. Speaker.

COM. SUB. FOR S. B. 542
(Motion to Recede)

REMARKS
of
HON. ED EVANS
April 10, 2021

DELEGATE EVANS: Wasn't it scrooge who said are there no workhouses? Gosh. You know, can we stop being R's and D's for a few minutes? Can we be West Virginian's? I didn't stand up here to start yelling. I really didn't. How many times did I say, Fluharty be nice, Fluharty be nice? Didn't I say that? Now look at me. You know, I recently had a member of this House confide in me that he had been to 54 counties in West Virginia, but he has never been to mine. He promised he would come down. I know he will.

Imagine if we really did have a coalfield comeback. What would that do for the State of West Virginia? What would it do for the people that live in the coalfields? Got this fancy jacket in Charleston. Got another fancy jacket I bought in Princeton. Bought a whole bunch of Christmas presents this year in Tennessee. I can't buy a thing in Welch.

Thursday, this week they closed Walgreens. Who closes a Walgreens? We closed Walmart. We closed Magic Mart. We closed everything. Y'all have no idea what my people go through. I didn't stand up to do this. I apologize. Failing to plan is planning to fail. You have heard it. All my amendment does it establish a plan. I don't care if the PSC does it. I don't care if the RFDABCXYZ does it. But we need a plan. Did anybody offer a plan? Did anybody offer a plan? I did.

My mom is probably ashamed of me right now. She taught me to be a gentleman. Where is my script? Geez. As I said yesterday, 554 is a cry for help. I have asked for help many times on this floor. What have I got? I got a road that ends in Mullens. It don't come to Welch. It don't come to the coalfields where I live. It don't go to the coalfields in Wyoming County for that matter. Imagine if we had a comeback.

When I was a little boy, my dad would take me from Beckley to Welch to go Christmas shopping. There was nothing you couldn't buy there. They called it little New York. You wanted a wonderful designer dress for your daughter for the prom, it was there. You wanted that tuxedo for your son, it was there. The first escalator I ever rode, was in Welch. Now all those places are closed. Empty storefronts, falling in. Imagine if we had a coalfield comeback.

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Let's talk about what this bill really does. It does in fact require our coal-fired power plants, God bless them, to hold and have in place 30-day supply fuel. We heard in committee they probably do it anyway. Those that had the acreage for it, I believe was the gentleman's words, they do it anyway. What does the bill do? Nothing, nothing else. My amendment makes it better. It puts in place a plan and again I don't care who does it. We don't have a plan. Yesterday, by 0-100 vote you told the Governor "no" to his way he wanted to spend the money the state has. You told him no. Now we stand on the verge of getting millions if not billions of dollars brought into this state, and we have no plan for it. So, what happens? We give the Governor the money. He does what he wants to do with it. You told him yesterday he can't. Did we not? I was here yesterday; I think I remember pretty well. That was a pretty red thing, great picture of the Speaker on the newspaper and the internet looking back at the red boards. Man, we need rules. We need them put in place. We need to do it now or these monies that we are going to get are not going to flow to the coalfields, they are not.

Whenever a candidate for office comes down our way, they generally call me and I make a few trips. I take them to some places. One of them is called Gary Hollow. Gary is where Gary High School used to be and the ladies and gentlemen that live there are the most pitiful you've ever seen. I can't believe I said that. But they are. I took Ben Salango down there and this one lady came out and she begged him to do something for our area. If you get elected, sir, please, please, please. Now I can't put anything on my Facebook without her just like, like, like, like, like because she thought we do something for her. I am trying. I am trying. Help me. Quit being a D and an R. Be a West Virginian. Imagine if we had a coalfield comeback. People working down my way instead of standing on the streets and some guy coming up saying hey man you want to buy this; you want to buy that. Cause that is what they do. I am sorry, some of you all are not paying attention. My bad.

You voted 0-100 to say no. We have the power of the purse. But we don't have a plan for it. We can't have it both ways. We can't say no yesterday to the tone of 100-0 and say

we are ok with it. We will just recede. We will just recede to the Senate.

Ladies and gentlemen, I am going to shut up. I did take my blood pressure medicine this morning, thank goodness. But the Gentleman from the 46th I apologize. I shouldn't have said that about the workhouses. But the truth is you gotta help the coalfields. You delegates from down south, you need to stand up for your miners. You need to stand up for the widows. You know this is the 100th anniversary of Blair Mountain. You know what that is? Do you know what that is? I see one hand raised way back in the back, two, thank you. If you know what it is, then you know what we gotta do. Imagine if there was a coalfield comeback. Thank you all, and again I apologize for sounding like Fluharty.

