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FORTY-FIRST DAY

Monday, February 17, 2020

FORTY-FIRST DAY

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

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

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

The Clerk proceeded to read the Journal of Friday, February 14, 2020, 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 Com. Sub. for S. B. 534 and Com. Sub. for H. B. 4155, on Third Reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 4690, on Second Reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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

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

H. B. 4511, Relating to exemptions for the United States Department of Veterans' Affairs Medical Foster Homes,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4511) was referred to the Committee on Health and Human Resources.

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

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

H. B. 4589, Conducting study for an appropriate memorial for West Virginians killed in the War on Terror,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on Government Organization be dispensed with.

In the absence of objection, reference of the bill (H. B. 4589) to the Committee on Government Organization was abrogated.

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

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

H. B. 4608, Relating to the duties of the law-enforcement training and certification subcommittee,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4608) was referred to the Committee on the Judiciary.

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

Your Committee on Political Subdivisions has had under consideration:

Com. Sub. for S. B. 209, Relating to annexation by minor boundary adjustment,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on Government Organization be dispensed with.

In the absence of objection, reference of the bill (S. B. 209) to the Committee on Government Organization was abrogated.

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

Your Committee on Political Subdivisions has had under consideration:

H. B. 4396, Relating to reporting suspected governmental fraud,

H. B. 4402, Relating to designation of early voting locations,

H. B. 4715, Authorizing municipalities to take action to grant certain fire department employees limited power of arrest,

H. B. 4797, Authorizing municipalities to enact ordinances that allow the municipal court to place a structure, dwelling or building into receivership,

And,

H. B. 4946, Eliminating the requirement that municipal police civil service commissions certify a list of three individuals for every position vacancy,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4396, H. B. 4402, H. B. 4715, H. B. 4797 and H. B. 4946) were each referred to the Committee on the Judiciary.

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

Your Committee on Political Subdivisions has had under consideration:

H. B. 4070, Compensating counties for state-owned lands through payments in lieu of taxes,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4070) was referred to the Committee on Finance.

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

Your Committee on Political Subdivisions has had under consideration:

H. B. 4638, Modifying the authority of medical examiners regarding the disposition of bodies,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4638) was referred to the Committee on Health and Human Resources then the Judiciary.

Delegate Shott, 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. 4039, Providing limitations on nuisance actions against fire department and emergency medical services,

H. B. 4529, Relating to the collection of assessments and the priority of liens on property within a resort area,

And,

H. B. 4777, Relating to the right of disposition of remains,

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

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

By Delegates Shott, Lovejoy and Fast:

H. B. 4956 - "A Bill to amend and reenact §37-4-3 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto five new sections, designated §37-4-9, §37-4-10, §37-4-11, §37-4-12, and §37-4-13, all relating generally to the partition of real property; providing

for allotment or sale of real property and procedures therefore; providing for appointment, duties, and requirements for commissioners for partitions; providing certain relevant factors to be considered in determining whether partition in kind is appropriate; providing for rebuttable presumptions regarding property valuation and partition in kind of severed minerals; providing procedures for courts to follow in determining the fair market value of real property being partitioned; providing for appointment, duties, and requirements for appraisers for partitions; providing for open-market sales, sealed bids, or public auctions of real property being partitioned and procedures and exceptions therefore; providing for appointment, duties, and requirements for real estate brokers for partitions; providing reporting requirements and report contents for open-market sales; providing for a reserve price in open market sales; providing protections from sale for certain specified real property interests.”

Delegate Shott, 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. 4422, The Patient Brokering Act,

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

Com. Sub. for H. B. 4422 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-60-1, §16-60-2, and §16-60-3, all relating to prohibiting patient brokering; defining terms; prohibiting causing or participating in acts that are intended to derive any benefit or profit from referral of a patient to a healthcare provider or health care facility; prohibiting patient brokering related to a recovery residence; establishing criminal penalties for persons and business entities engaged in unlawful patient brokering; providing exceptions; and defining terms,”

H. B. 4593, Authorizing the assignment of poll workers to serve more than one precinct under certain circumstances,

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

Com. Sub. for H. B. 4593 - “A Bill to amend and reenact §3-1-5 and §3-1-30 of the Code of West Virginia, 1931, as amended, all relating to authorizing the assignment of poll workers to serve more than one precinct when those precinct polling places are located in the same building or facility,”

And,

H. B. 4852, Relating to the penalties for the manufacture, delivery, possession, or possession with intent to manufacture or deliver methamphetamine,

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

Com. Sub. for H. B. 4852 - “A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to the penalties for the manufacture, delivery, possession, or possession with intent to manufacture or deliver, a controlled substance; and, increasing the penalty for methamphetamine,”

With the recommendation that the committee substitutes each do pass.

Delegate Shott, 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. 4009, Relating to the process for involuntary hospitalization,

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

Com. Sub. for H. B. 4009 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-5-2a, relating to permitting an authorized staff physician, after examination, to order the involuntary hospitalization of an individual whom the physician believes is addicted or mentally ill and likely to cause serious harm to himself or herself or other individuals; setting forth a procedure; defining terms; providing for payment for services; limiting liability; and requiring the West Virginia Supreme Court of Appeals to produce information to hospitals regarding contact information for mental hygiene commissioners, designated county magistrates, and circuit judges,"

H. B. 4015, Relating to Broadband Enhancement and Expansion,

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

Com. Sub. for H. B. 4015 - "A Bill to amend and reenact §17-2E-3, §17-2E-5, §17-2E-6, 17-2E-8, and 17-2E-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §17-2E-6a and §17-2E-6b; to amend and reenact §31-15-8 of said code; to amend and reenact §31G-1-3 and §31G-1-6 of said code; and to amend said code by adding thereto a new article, designated §31G-5-1, §31G-5-2, §31G-5-3 and §31G-5-4, all relating generally to economic development; providing a timetable for Division of Highways to approve or deny applications for right-of-way access; providing that telecommunications carriers may satisfy an obligation to provide the notice to other telecommunications carriers under this section by requesting the assistance and coordination of the Broadband Enhancement Council; providing the Broadband Enhancement Council is responsible for ensuring compliance with certain requirements; setting the fair market value for purposes of this article at \$0 in monetary compensation if the division is required by law to accept compensation for use of the division's right of way; providing the division may receive in-kind compensation; explaining what the division may consider when valuing in-kind compensation; delineating that in-kind compensation may be used only for state purposes; setting forth that where two or more providers share the obligation of compensating the division they shall do so on a fair, reasonable and equitable basis; providing that subject to the provisions of the Vertical Real Estate Management and Availability, the division may enter into an agreement and issue a permit to allow any carrier to use excess telecommunications facilities owned or controlled by the division; providing that with gubernatorial approval, the division may transfer or assign the rights related to a telecommunications facilities owned or controlled by the division to any other state agency; allowing the commissioner to establish a policy to provide for installation of conduit on bridges; changing language relating to the commissioner's rule-making authority; permitting the existing insurance fund to insure additional broadband internet service; giving the Governor authority to name the chair of the Broadband Enhancement Council; providing that executive agencies shall cooperate with and provide all necessary information to the council to determine the feasibility and federal allowability of creating Advanced Regulatory Environment Analysis (AREA) maps; enacting the Vertical Real Estate Management and Availability Act; requiring the Department of Administration to coordinate with the Governor to seek proposals to manage state-owned vertical real estate; establishing how the vertical real estate is to be managed; defining 'vertical real estate' as any structure that is suitable for the mounting of communications equipment and associated ground facilities; providing for a distribution of funds from leasing state-owned vertical real estate; and, setting forth certain exceptions to the availability for management of state-owned vertical real estate,"

And,

H. B. 4594, Allowing poll workers to be appointed to work in precincts outside their county,

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

Com. Sub. for H. B. 4594 - "A Bill to amend and reenact §3-1-28 of the Code of West Virginia, 1931, as amended, relating to allowing election officials to be appointed to work in precincts outside their county of residence; and prohibiting candidates for certain offices from serving as election officials for 18 months prior or subsequent to an election,"

With the recommendation that the committee substitutes each do pass.

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

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

H. B. 4514, Permitting the use of leashed dogs to track mortally wounded deer or bear,

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

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

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

H. C. R. 75, Naming the highest peak on Wolf Creek Mountain in Monroe County, Boone's Peak,

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

In accordance with the former direction of the Speaker, the resolution (H. C. R. 75) was referred to the Committee on Rules.

Delegate Howell, 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. 4749, Providing more efficient application processes for private investigators, security guards, and firms,

H. B. 4864, Relating to performance reviews of state agencies and regulatory boards,

And,

H. B. 4865, Requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures,

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

Delegate Howell, 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. 4747, Extending electronic submission of various applications and forms for nonprofit and charitable organizations, professionals and licensees,

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

Com. Sub. for H. B. 4747 - "A Bill to amend and reenact §29-19-2, §29-19-5, §29-19-6, and §29-19-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §39-4A-2 of said code; and to amend and reenact §47-2-1 and §47-2-3, all relating generally to extending current laws allowing electronic submission of applications and forms to the Secretary of State's Office relating to licensure or regulation charities, nonprofit organizations, out-of-state commissioners, and trademarks; providing new definitions for the term 'sign' and 'signature' relating to applications or forms in the foregoing regulated industries; providing for more efficient application processes in the foregoing regulated industries; and technical typographical changes to distinguish the Secretary of State from an entity's secretary or administrative assistant,"

With the recommendation that the committee substitute do pass.

Delegate Shott, 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. 4697, Removing the restriction that a mini-distillery use raw agricultural products originating on the same premises,

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

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 339, Authorizing DHHR promulgate legislative rules,

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

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on February 14, 2020, he approved **H. B. 4103**, **H. B. 4393**, **Com. Sub. for S. B. 311** and **Com. Sub. for S. B. 357**.

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. 4030, Increasing limit for application for original appointment as a firefighter to 40 years of age for honorably discharged veterans.

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

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

“ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.

§8-15-17. Form of application; age and residency requirements; exceptions.

(a) The Firemen’s Civil Service Commission in each municipality shall require individuals applying for admission to any competitive examination provided for under the civil service provisions of this article or under the rules of the commission to file in its office, within a reasonable time prior to the proposed examination, a formal application in which the applicant shall state under oath or affirmation:

- (1) His or her full name, residence, and post office address;
- (2) His or her United States citizenship, age, and the place and date of his or her birth;
- (3) His or her state of health, and his or her physical capacity for the public service;
- (4) His or her business and employments and residences for at least three previous years; and
- (5) Any other information reasonably required, touching upon the applicant’s qualifications and fitness for the public service.

(b) Blank forms for the applications shall be furnished by the commission, without charge, to all individuals requesting the same.

(c) The commission may require, in connection with the application, certificates of citizens, physicians, and others, having pertinent knowledge concerning the applicant, as the good of the service requires.

(d) Except as provided in subsections ~~(e) and (f)~~ (e), (f), and (g) of this section, the commission may not accept an application for original appointment if the individual applying is less than 18 years of age or more than 35 years of age at the date of his or her application.

(e) If any applicant is an honorably discharged veteran of any branch of the United States armed forces, armed services reserve, or National Guard, then the individual may apply for an original appointment if the applicant is not more than 40 years of age.

~~(e)~~ (f) If any applicant formerly served upon the paid fire department of the municipality to which he or she makes application for a period of more than one year, and resigned from the department at a time when there were no charges of misconduct or other misfeasance pending against the applicant within a period of two years next preceding the date of his or her application, and at the time of his or her application resides within the corporate limits of the municipality in which the paid fire department to which he or she seeks appointment by reinstatement is located, then the individual is eligible for appointment by reinstatement in the discretion of the Firemen’s Civil Service

Commission, even though the applicant is over the age of 35 years, and the applicant, providing his or her former term of service so justifies, may be appointed by reinstatement to the paid fire department without a competitive examination. The applicant shall undergo a medical examination; and if the individual is so appointed by reinstatement to the paid fire department, he or she shall be the lowest in rank in the department next above the probationers of the department and may not be entitled to seniority considerations.

~~(f)~~ (g) If an individual is presently employed by one paid fire department and is over the age of 35, he or she may make an application to another paid fire department if:

(1) The paid fire department to which he or she is applying is serving a municipality that has elected to participate in the West Virginia Municipal Police Officers and Firefighters Retirement System created in §8-22A-1 *et seq.* of this code: *Provided*, That any individual applying pursuant to this subdivision is to be classified as a new employee for retirement purposes and prior employment service may not be transferred to the West Virginia Municipal Police Officers and Firefighters Retirement System; or

(2) The paid fire department to which he or she is applying is serving a municipality that has elected to participate in the West Virginia Public Employees Retirement System created in §5-10-1 *et seq.* of this code: *Provided*, That any individual applying pursuant to this subdivision is to be classified as a new employee for retirement purposes and prior employment service may not be transferred to the West Virginia Public Employees Retirement System, except for individuals and their prior employment service already credited to them in the West Virginia Public Employees Retirement System pursuant to §5-10-1 *et seq.* of this code.

~~(g)~~ (h) Individuals who are authorized to apply to a paid fire department pursuant to subsection (f) of this section shall be in the lowest rank of the department and are not entitled to seniority considerations.

~~(h)~~ (i) Notwithstanding charter provisions to the contrary, any applicant for original appointment need not be a resident of the municipality or the county in which he or she seeks to become a member of the paid fire department.”

And,

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

H. B. 4030 - “A Bill to amend and reenact §8-15-17 of the Code of West Virginia, 1931, as amended, relating to increasing the age limit of an honorably discharged veteran of the United States armed forces, armed service reserves, or National Guard to 40 years of age for an application for original appointment.”

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. 196**), 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: Azinger and Miley.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4030) passed.

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

On this question, the yeas and nays were taken (**Roll No. 197**), 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: Azinger and Miley.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4030) takes effect from 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 and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 288 - “A Bill to amend and reenact §16-2B-1 of the Code of West Virginia, 1931, as amended, relating to family planning and child spacing; extending family planning resources provided by Bureau for Public Health to other entities; providing that Bureau for Medical Services shall not require multiple office visits for women who select long-acting reversible contraceptive (LARC) methods unless medically necessary; requiring Bureau for Medical Services to provide payment for LARC devices and services; authorizing Bureau for Public Health to make LARC products available in practitioner offices without upfront practitioner costs; requiring Bureau for Public Health to develop statewide plan and providing requirements for plan; and requiring annual report by Department of Health and Human Resources”; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

Com. Sub. for S. B. 554 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-4-9b, relating to the termination, expiration, or cancellation of oil or natural gas leases; providing a requirement for a lessee to execute and deliver to the lessor, within a specified time and without cost, a recordable release for terminated, expired, or canceled oil or natural gas leases; providing for a procedure by which a lessor may serve notice to a lessee if a lessee fails to timely provide the release; providing requirements for the content of the notice; requiring a lessee to timely notify the lessor in writing of a dispute regarding the termination, expiration, or cancellation of the oil and natural gas lease; providing for an affidavit of termination, expiration, or cancellation with specified contents; and providing a requirement that county clerks accept and record said affidavit”; which was referred to the Committee on Energy then the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 583 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-10, relating to creating a program to further the development of renewable energy resources and renewable energy facilities for solar energy by modifying the powers and duties of the Public Service Commission; providing for legislative findings and declarations; providing for definitions; providing for an application process and program for multiyear comprehensive renewable energy facilities for electric utilities, as defined, to plan, design, construct, purchase, own, and operate renewable energy-generating facilities, energy-storage resources, or both; providing for commission review and approval of said programs; allowing cost

recovery for said programs; providing for requirements for said programs; providing for application requirements and contents in lieu of applications for certificates of public convenience and necessity; providing for public notice at the direction of the commission for anticipated rates and rate increases in interested counties; providing for a hearing on applications within 90 days of notice; defining circumstances when a hearing can be waived for lack of opposition; defining a time period of 150 days within which the commission shall issue a final order after the application date; requiring the commission to find the programs as in the public interest; requiring the commission, after notice and hearing, to approve applications and allow cost recovery for just and reasonable expenditures; establishing accounting methods, practices, rates of return, calculations, dates, and procedures relevant for cost recovery; requiring a utility to place in effect commission-approved rates that include cost recovery with certain defined items; defining 'concurrent cost recovery'; requiring yearly application filings by the utility with the commission regarding cost recovery; providing for an effective date on passage; and providing for a sunset date"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 733 - "A Bill to amend and reenact §3-1-8 of the Code of West Virginia, 1931, as amended, relating to the criteria for political party status; and allowing a group of affiliated voters to become a recognized political party if the group's candidate receives at least one percent of the votes statewide in an election for either President or Governor"; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates Rowe and Longstreth offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

H. R. 11 - "Calling on Congress to recognize June 19 as Juneteenth National Freedom Day."

Whereas, For more than 137 years, Juneteenth National Freedom Day has been the most recognized African American holiday observance in the United States. Also known as "Emancipation Day," "Emancipation Celebration," "Freedom Day," "Jun-Jun," "Juneteenth Independence Day," and "Juneteenth," Juneteenth National Freedom Day commemorates the survival through strength and determination of African Americans, who were first brought to this country stacked in the bottom of slave ships in a month long journey across the Atlantic Ocean, known as the "Middle Passage"; and

Whereas, Approximately 11 1/2 million African Americans survived the voyage to the New World. The number that died is likely greater. For more than 200 years, African American slaves were subjected to whipping, castration, branding, rape and the tearing apart of their families; and

Whereas, While slaves were emancipated in 1862 when then President Abraham Lincoln signed the Emancipation Proclamation (later issued on January 1, 1863) abolishing slavery, the existence of slavery in the South did not end until June of 1865. Juneteenth commemorates the day that freedom was proclaimed to the last slaves in the South by Union General Gordon Granger, on June 19, 1865; and

Whereas, Juneteenth, June 19, 1865, is celebrated annually in more than 205 cities and is officially recognized in Alaska, Delaware, Florida, Idaho, Iowa, Kentucky, Louisiana, Oklahoma, Oregon, Pennsylvania, Texas, Vermont, Washington, Wisconsin and Wyoming; and

Whereas, In 1997, the United States Congress adopted a joint resolution recognizing Juneteenth as the true independence day for African American citizens; and

Whereas, Americans of all colors, creeds, cultures, religions and countries-of-origin share in a common love of and respect for freedom, as well as a determination to protect their right to freedom through democratic institutions. Juneteenth is part of a cycle of memorials to freedom and independence observed in America annually that culminates with the 4th of July. "Until All are Free, None are Free" is an oft-repeated maxim that can be used to highlight the significance of the end of the era of slavery in the United States.

Resolved by the House of Delegates:

That Congress should take immediate action to recognize Juneteenth National Freedom Day as a national memorial day to honor human rights, freedom and independence for all peoples; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the West Virginia Delegation in the United States House of Representatives and the United States Senate.

Delegates Campbell, Pack, Sypolt, Rowan, Atkinson, Cooper, Hott, D. Kelly, Jennings, Westfall and Lavender-Bowe offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 92 - "Requesting the Division of Highways name bridge number 13-036/00-000.09 (13A083), locally known as Howards Creek Bridge, carrying County Route 36 over Howards Creek in Greenbrier County, the 'Mayor Abraham E. Huddleston Memorial Bridge'."

Whereas, Abraham Huddleston was born December 15, 1855, in Allegheny County, Virginia; and

Whereas, Due to the Civil War, educational opportunities for Abraham Huddleston were very scarce; however, the tribulations he experienced during the Civil War led Abraham Huddleston to have an entrepreneurial spirit through his life; and

Whereas, In 1869, at just 14 years old, Abraham Huddleston started work at a brick yard as a stable boy, later that same year he also worked at a general store, and also obtained a job as a freight and ticket agent for a railroad for a total salary of \$11 per month; and

Whereas, Abraham Huddleston studied telegraphy to obtain a job in 1874 as an agent and operator in Callaghan, Virginia, at a salary of \$35 per month; and

Whereas, The meager salary of an agent and operator drove Abraham Huddleston to resign from his post and purchase timber and land in Greenbrier County, West Virginia, in 1888 where Abraham moved his family to White Sulphur Springs which remained his home until his death; and

Whereas, Abraham Huddleston set up several businesses in White Sulphur Springs, the first being the White Sulphur Supply Company, a retail store for members of the community; the second the Mountain Milling Company which supplied the community with grain, feed and, later, electricity; and

Whereas, Abraham Huddleston was elected to be the first mayor of White Sulphur Springs and was also elected as a delegate to represent his constituents in the West Virginia Legislature for two sessions; and

Whereas, Abraham Huddleston was a devout member of the Methodist Church, supporting the church as a superintendent for Sunday school for almost 40 years, and later, Abraham represented his church in conferences across the United States of America as a member of the joint board of finance for the church; and

Whereas, Abraham E. Huddleston passed away in 1940 and was buried in Greenbrier County next to his first wife, Isabella Richardson, to whom he was married for 42 years and preceded him in death due to influenza in 1919, and next to his second wife, Elizabeth Peacock, who passed in 1953; and

Whereas, It is fitting that an enduring memorial be established to commemorate Mayor Abraham E. Huddleston and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge 13-036/00-000.09 (13A083), locally known as Howards Creek Bridge, carrying County Route 36 over Howards Creek in Greenbrier County, the "Mayor Abraham E. Huddleston Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Mayor Abraham E. Huddleston Memorial Bridge"; and, be it

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

Delegates Evans, Rodighiero, Tomblin, Miller, Zukoff, Williams, R. Thompson, Atkinson, Hicks, Swartzmiller and Hornbuckle offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 93 - "Requesting the Division of Highways name bridge number 24-005/02-004.51 (24A031), (37.41379, -81.78366), locally known as Avondale Bridge, carrying CR 5/2 over Dry Fork in McDowell County, the 'U. S. Army SP4 Dennis Harvey Roberts Memorial Bridge'."

Whereas, U.S. Army Specialist Dennis Harvey Roberts was born on April 12, 1949, in McDowell County; and

Whereas, Specialist Roberts was a resident of Avondale, West Virginia for nearly 40 years. He was a well-respected member of the Avondale Community. He raised a family there, in the community he loved so much. "Ritter Hollow" as the locals call it, is home to Avondale. Specialist Roberts lived "up the hollow" for nearly 50 years. As a young man, he became a member of the United States Army. He was deployed to Vietnam, where he would spend 11 months and 15 days in the defense of our country. Specialist Roberts' last duty assignment was Troop A 2TM Squadron 1* Cavalry, 24 Armed Division, Fort Hood, Fourth Army. Specialist Roberts was a combat infantry man and was specially trained in auto mechanics, track, and vehicle mechanics; and

Whereas, Specialist Roberts was a highly decorated soldier, having been awarded the following commendations by the Army: National Defense Service Medal, Vietnam Campaign Medal, Vietnam Service Medal with one Bronze Star, Republic of Vietnam Campaign Medal, Marksman with Rifle bar, and Combat Infantry Badge; and

Whereas, Specialist Roberts was honorably discharged from the Army on April 1, 1975. He suffered from Post-Traumatic Stress Disorder (PTSD), a challenge he worked to overcome each day of his life. He also suffered a hearing loss in both ears, as result of his battlefield service. Specialist

Roberts lost his struggle with PTSD and his life on June 18, 2016. Specialist Roberts demonstrated many hours of community service to not only Avondale, but to McDowell County. He has given countless hours of support to community activities such as local school groups and activities; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army Specialist Dennis Harvey Roberts and his contributions to our country and state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 24-005/02-004.51 (24A031), (37.41379, -81.78366), locally known as Avondale Bridge, carrying CR 5/2 over Dry Fork in McDowell County, the "U. S. Army SP4 Dennis Harvey Roberts Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army SP4 Dennis Harvey Roberts Memorial Bridge"; and, be it

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

Delegates Howell, C. Martin, Hott, Dean, Sponaugle, Ellington, Campbell, Hartman, Paynter, Pack and Worrell offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 94 - "Calling for the construction of a licensed Off Highway Vehicle semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side."

Whereas, The U.S. Department of Commerce's Bureau of Economic Analysis shows that the outdoor recreation economy accounted for 2.2 percent (\$412 billion) of current-dollar GDP in 2016; and

Whereas, In 2017 Backcountry Discovery Routes generated \$17.3 million in new tourism expenditures, with the average traveling party spending \$3,769 per trip; and

Whereas, The construction of a licensed Off Highway Vehicle (OHV) semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side connecting existing OHV trails, and off-road parks where possible, would bring in significant tourism dollars. The proposed trail should enter West Virginia in the southern part of the state and exit in the Potomac Highlands; and

Whereas, The Legislature believes that the OHV trail will generate much needed economic stimulus to the state, create new jobs and increase tax revenue; therefore, be it

Resolved by the Legislature of West Virginia:

That the construction of a licensed Off Highway Vehicle semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side should be a high priority for State Government; and, be it

Further Resolved, That the construction of a licensed Off Highway Vehicle semi-contiguous trail to parallel the Appalachian Hiking Trail on the western side can be supported by all West Virginians; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Governor and the state legislatures of the states where the Appalachian Trail traverses, Georgia, North Carolina, Tennessee, Virginia, Maryland, Pennsylvania, New Jersey, New York, Massachusetts, Vermont, New Hampshire and Maine with the addition of Alabama which lies to the west of Georgia and the trail.

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

H. C. R. 95 - "To recognize and acknowledge that the State of West Virginia is prohibited from taking direct or symbolic action to respect nonsecular self-asserted sex-based identity narratives or sexual orientation orthodoxy pursuant to the Establishment Clause of the First Amendment of the United States Constitution and Article III Section 15 of the West Virginia Constitution."

Whereas, Article III Section 15 of the West Virginia Constitution states, "No man shall be compelled to frequent or support any religious worship, place or ministry whatsoever; nor shall any man be enforced, restrained, molested or burthened, in his body or goods, or otherwise suffer, on account of his religious opinions or belief, but all men shall be free to profess and by argument, to maintain their opinions in matters of religion; and the same shall, in nowise, affect, diminish or enlarge their civil capacities; and the Legislature shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this state, to levy on themselves, or others, any tax for the erection or repair of any house for public worship, or for the support of any church or ministry, but it shall be left free for every person to select his religious instructor, and to make for his support, such private contracts as he shall please;"

Whereas, The United States is a Constitutional Republic that the State of West Virginia is part of;

Whereas, Constitutional law preempts Federal law and State law;

Whereas, The Establishment Clause of the First Amendment of the United States Constitution states that "[The Government] shall make no law respecting an establishment of religion.

Whereas, The United States Supreme Court held in *Everson v. Bd of Education*, 330 U.S. 1 (1947) that the Establishment Clause of the First Amendment applies to the States through the Fourteenth Amendment; and

Whereas, The United States Supreme Court held in *Hein v. Freedom From Religion Foundation*, 551 U.S. 587 (2007) that the Establishment Clause applies to the executive branch, which includes this State's executive branch; and

Whereas, All religion amounts to is a set of unproven answers to the greater questions like why are we here, what gives us identity, what should we be doing as humans, and what happens after death; and

Whereas, The Establishment Clause of the United States Constitution was never solely designed to prohibit the government from respecting and recognizing the doctrines of institutionalized religions but of noninstitutionalized religions, like Secular Humanism, as well; and

Whereas, The religion of Secular Humanism is also commonly referred to by scholars as postmodern individualistic moral relativism or expressive individualism; and

Whereas, The United States Supreme Court found that Secular Humanism is a religion for the purposes of the First Amendment Establishment Clause in *Torcaso v. Watkins*, 367 U.S. 488 (1961), stating “among religions in this country which do not teach what would generally be considered a belief in the existence of God are Buddhism, Taoism, Ethical Culture, Secular Humanism, and others. See *Oklahoma Ethical Society v. District of Columbia*, 101 U. S. App. D. C. 371, 249 F. 2d 127; *Fellowship of Humanity v. County of Alameda*, 153 Cal. App. 2d 673, 315 P. 2d 394; II Encyclopedia of the Social Sciences 293; 4 Encyclopedia Britannica (1957 ed.) 325-327; 21 id., at 797; Archer, *Faiths Men Live By* (2d ed. revised by Purinton), 120-138, 254-313; 1961 World Almanac 695, 712; Year Book of American Churches for 1961, at 29, 47;”

Whereas, Most of the Federal Courts of appeals have found that Secular Humanism is a religion for the purpose of the First Amendment Establishment Clause in cases such as *Malnak v. Yogi*, 592 F.2d 197, 200-15 (3d Cir.1979), *Therhault v. Silber*, 547 F.2d 1279, 1281 (5th Cir.1977), *Thomas v. Review Bd.*, 450 U.S. 707, 714, 101 S.Ct. 1425, 67 L.Ed.2d 624 (1981), *Lindell v. McCallum*, 352 F.3d 1107, 1110 (7th Cir. 2003), *Real Alternatives, Inc. v. Sec’y Dep’t of Health & Human Servs.*, 150 F. Supp. 3d 419, 2017 WL3324690 (3d Cir. Aug. 4, 2017), and *Wells v. City and County of Denver*, 257 F.3d 1132, 1148 (10th Cir. 2001); and

Whereas, The sworn testimonies provided by ex-gays, medical experts, persecuted Christians, and licensed ministers demonstrate that there is no real proof that a gay gene exists, that the idea that sexual orientation is predicated on immutability is not proven, and that sexual orientation is a mythology, dogma, doctrine, ideology, and orthodoxy that is inseparably linked to the religion of Secular Humanism; and

Whereas, The LGBTQ community is organized, full, and has a code by which members may guide their daily lives, making LGBTQ Secular Humanism a religion in view of the definition of what constitutes a religion provided by the Court in *Real Alternatives, Inc. v. Sec’y Dep’t of Health & Human Servs.*, 150 F. Supp. 3d 419, (3rd Cir. Aug. 4, 2017); and

Whereas, Instead of having a cross, the ten commandments, or the star and crescent, the LGBTQ Secular Humanist church has the rainbow-colored flag to symbolize their religious beliefs, practices, and values, which at least one person in every District believes is offensive, implausible, and objectionable; and

Whereas, When a person says that “they were born with a gay gene,” that they were “born in the wrong body,” or that they “came out of an invisible closet and were baptized homosexual,” they are making a series of unproven faith-based naked assertions that are implicitly religious and cannot be used as the basis for law or policy because the Establishment Clause preempts such action from being legally recognized, endorsed, or respected by government; and

Whereas, Regardless of political affiliation, all members of the general assembly and all executive and judicial officers bound by oath to put their own political and religious beliefs aside and to comply with their duty to honor their oath of office pursuant to Article VI to uphold the United States Constitution and to, therefore, immediately stop creating, respecting, and enforcing policies that condone the plausibility of self-asserted sex-based identity narratives and sexual orientation orthodoxy because all of those policies fail all three prongs of the Lemon Test established by the United States Supreme Court in *Lemon v. Kurtzman*, 403 U.S. 602 (1971) for:

(1) Constituting nonsecular shams;

(2) Cultivating indefensible legal weapons against nonobservers of the religion of Secular Humanism; and

(3) Serving to excessively entangle the government with the religion of Secular Humanism; and

Whereas, The United States Supreme Court in *Edwards v. Aguillard*, 482 U.S. 578 (1987) and *Agostini v. Felton*, 521 U.S. 203, 218 (1997) found that if government action fails one prong of the Lemon Test, it is unconstitutional, and the evidence shows that the enforcement and creation of policies that respect nonsecular self-asserted sex-based identity narratives or sexual orientation ideology fail at least one prong of Lemon, if not all three; and

Whereas, The decisions in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) and *United States v. Windsor*, 133 S. Ct. 2675 (2013) were unequivocally part of an unprincipled ploy, political power play, and nonsecular sham that has not created a land rush on gay marriage and tolerance but has cultivated a land rush on Christian persecution and a land rush for devout Secular Humanists to infiltrate public elementary schools and public libraries with the sole purpose of indoctrinating minors with the sexualized religion of Secular Humanism with the government's stamp of approval, demonstration that those decisions themselves were nonsecular shams that constitutes government action that fails the prongs of the Lemon Test; and

Whereas, The United States Supreme Court in *Lee v. Weisman*, 505 U.S. 577, 592 (1992) found that there are "heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary public schools [and in public libraries]," while also holding in *Edwards v. Aguillard*, 482 U.S. 578, 583 (1987) that the government "should be particularly vigilant in monitoring compliance with the Establishment Clause in the public-school and [public library] context," when minors are subjected to religious indoctrination with the perception of the government's stamp of approval, and the State of West Virginia joins the high court in being vigilant in regards to those heightened concerns; and

Whereas, Nonsecular self-asserted sex-based identity narratives fall within the exclusive jurisdiction of the Free Exercise and Establishment Clause of the First Amendment of the United States Constitution, having nothing to do with the Fourteenth Amendment; and

Whereas, Attempts to shoehorn sexual orientation or nonsecular self-asserted sex-based identity narratives that are questionably real, moral or plausible into a Fourteenth Amendment Equal Protection or Substantive Due Process narrative by any state actor is a per se act of Constitutional, political and governmental malpractice; and

Whereas, The Supreme Court's position in *INS v. Chada*, 462 U.S. 919 (1983) and *Nixon v. U.S.*, 506 U.S. 224 (1993) emphasized that the legislative branch must serve as a check on the Judicial and executive branch, and this state has a duty owed pursuant to Article VI to hold the other branches of government, whether they be state or federal, accountable; and

Whereas, The federal courts have held in cases like *Holloman v. Harland*, 370 F.3 1252 (11th Cir. 2004) that neither emotional appeals nor sincerity of belief can be used to usurp the Establishment Clause of the First Amendment; and

Whereas, The decisions in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) and *United States v. Windsor*, 133 S. Ct. 2675 (2013) hijacked the Fourteenth Amendment and were based solely on a series of emotional appeals as a way to get around the Establishment Clause of the First Amendment of the United States Constitution and constitute one of the greatest shams since the inception of American jurisprudence; and

Whereas, The government's endorsement and entanglement with LGBTQ and transgender ideology has been based purely on emotion in direct violation of the Establishment Clause of the United States Constitution, generating a per se constitutional crisis; and

Whereas, The United States Supreme Court held in *Seminole Tribe of Fla. v. Florida*, 517 U.S. 44 (1996) and in *St. Joseph Stock Yards Co. v. United States*, 298 U.S. 38 (1936) that “Stare Decisis is at its weakest when the Supreme Court interprets the Constitution because its decisions can be altered only by constitutional amendment or by overruling prior decisions;” and

Whereas, The decisions in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) and *United States v. Windsor*, 133 S. Ct. 2675 (2013) exclusively involved constitutional interpretation in five to four splits that caused dissenting justices to make unprecedented statements such as “just who do we think we are” and “I write separately to call attention to this court’s threat to American Democracy;” and

Whereas, Enacting the Establishment Act will ultimately serve to restore constitutional order by overruling *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) and *United States v. Windsor*, 133 S. Ct. 2675 (2013) through overcoming stare decisis by relying on a superior jurisprudence acknowledged by the United States Supreme Court in *Cooper Industries, Inc. v. Aviall Services, Inc.* 543 U.S. 157 (2004) that “[constitutional] questions which merely lurk in the record, neither brought to [the] attention of the court nor ruled upon, are not to be considered as having been so decided as to constitute precedents;” and

Whereas, First Amendment Establishment Clause questions were lurking in the shadows of *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) and *United States v. Windsor*, 133 S. Ct. 2675 (2013) but were neither brought to the attention of the court nor ruled upon, which means that both of those Supreme Court decisions do not constitute binding precedent and must immediately be disregarded by this state in accordance with the Legislature and Governor’s continuing duties to comply with their oath of office pursuant to Article VI to uphold the Constitution of the United States no matter whom it offends, regardless of political or religious affiliation, and despite any emotional objections; and

Whereas, The Free Exercise Clause of the First Amendment of the United States Constitution states, “Congress shall make no law...prohibiting the free exercise [of religion];” and

Whereas, Enacting the Establishment Act clarifies that the original underlying legal basis behind the marriage bans that were struck down by the Supreme Court in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) that limited legally recognized marriage to a man and a woman was the First Amendment Establishment Clause and that the second legal basis for the original marriage bans was the state’s narrowly tailored compelling interest to uphold contemporary community standards of decency and discourage licentiousness, constituting issues that were lurking in the shadows but never addressed in *Obergefell* by the defendants, which means that Stare Decisis does not spare *Obergefell* from being ignored, disregarded, and overturned; and

Whereas, The United States Supreme Court has repeatedly held that the states have a compelling interest to uphold community standards of decency, to discourage licentiousness, and to enact policies that stop attempts to justify practices that are inconsistent with the peace and safety of the state; and

Whereas, The court in *Schlegel v. United States*, 416 F. 2d 1372, 1378 (Ct. Cl. 1969) held that “any schoolboy knows that a homosexual act is immoral, indecent, lewd and obscene. Adult persons are even more conscious that this is true;” and

Whereas, The United States Supreme Court held in *Ginsberg v. New York*, 390 U.S. 629, (1968) and *Mishkin v. State of New York*, 383 U.S. 502 (1966) that “to simply adjust the definition of obscenity to social realities has always failed to be persuasive before the courts of the United States” and such adjustments fail to be persuasive to the State of West Virginia; and

Whereas, While Secular Humanism is a protected religion pursuant to the First Amendment Free Exercise Clause, it is a disfavored religion insofar that it often involves obscene speech that erodes contemporary community standards of decency, desensitize, divides, dehumanize, depersonalize, and has been shown to increase suicide rates; and

Whereas, In the wake of the government's endorsement of LGBTQ ideology following the decisions in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) and *United States v. Windsor*, 133 S. Ct. 2675 (2013), it is evident that people who are "intolerant" of "intolerant people" are "intolerant," people who are "judgmental" against "judgmental people" are "judgmental," and people who are "dogmatic" about not "being dogmatic" are "dogmatic;" and

Whereas, When a person gets legally married, they are entitled to a constellation of benefits that flow out of the state's general fund at the expense of the taxpayers; and

Whereas, There are taxpayers in every voting district who believe that homosexuality, zoophilia, polygamy, transgenderism, and other nonsecular self-asserted sex-based identity narratives and sexual orientation ideology and the practices associated with them are immoral, and those taxpayers believe that to enable acts of immorality is itself an act of immorality, and therefore, this state must be prohibited from appropriating any public funds that promote, condone, endorse, or advance nonsecular sex-based identity narratives or sexual orientation ideology because such state action coercively causes those taxpayers to violate their own conscience by the simple act of paying taxes, making such governmental action an evil that the Establishment Clause of the First Amendment of the United States Constitution was designed to prohibit; and

Whereas, The state has a compelling interest and duty owed pursuant to Article VI to zealously defend the integrity of the Fourteenth Amendment and to prevent it from being hijacked to accomplish non-secular agendas by the Federal judicial branch; and

Whereas, The aim of the LGBTQ Secular Humanist church's push to entangle the government with their religious beliefs is "dominance," not "tolerance," and the objection to this unconstitutional entanglement is based on "secular biology," not "malicious bigotry," and a desire to restore the rule of law and the Supremacy of the United States Constitution for the welfare of our Constitutional Republic; and

Whereas, The State of West Virginia has a compelling interest to untwist intellectual dishonesty perpetrated by the judicial branch and a duty to defend the integrity of the First Amendment and the Fourteenth Amendment of the United States Constitution by enacting the Establishment Act to ultimately overrule the *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) and by showing that the *Obergefell* decision was itself a nonsecular sham for purposes of prong I of *Lemon* because if marriage really was an "existing right/individual right" (according to the Supreme Court in *Loving v. Virginia*, 388 U.S. 1, 12 (1967)) and a "fundamental right" (according to the Supreme Court in *Zablocki v. Redhail*, 434 U.S. 374, 384 (1978)) based on a "personal choice" (according to the Supreme Court in *Cleveland Bd. of Educ. v. LaFleur*, 414 U.S. 632, 639-40 (1974)) for self-identified homosexuals pursuant to the Fourteenth Amendment's Equal Protection and Substantive Due Process Clauses as the Supreme Court pretended in *Obergefell*, then marriage must be an existing right, individual right and fundamental right based on the personal choice for self-identified polygamists, zoophiles and objectophiles based on the Fourteenth Amendment's Equal Protection and Substantive Due Process Clauses under the *Obergefell* holding as well, but since that is not true, then the entire effort to have the government endorse nonsecular of LGBTQ Secular Humanist ideology is a nonsecular sham that has at all times been in perpetual violation of the Establishment Clause; and

Whereas, The Supreme Court resolved in *McDonald v. Santa Fe Trail Transp. Co.*, 427 U.S. 273 (1976) that there is no such thing as a partial civil rights movement, when it found that even nonobvious components of a suspect class are entitled to civil rights under the Fourteenth Amendment; and

Whereas, If sexual orientation really was a suspect class for the purpose of the Fourteen Amendment, then all individuals in the nonobvious suspect classes would be entitled to civil rights, but they are not because sexual orientation is an unproven religious doctrine that is inseparably linked to the religion of Secular Humanism and its recognition by government is nothing more than a nonsecular sham that divides us; and

Whereas, The seven to two decision reached by the Supreme Court in *Masterpiece Cakeshop*, 138 S.Ct. 1719 (2018), following *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) decision unequivocally demonstrates that self-identified homosexuals or transgenders are not a people group for the purposes of the Fourteenth Amendment, like people of color are, which means that the Supreme Court in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) and *United States v. Windsor*, 133 S. Ct. 2675 (2013) were merely tampering with the Fourteenth Amendment in a manner that undermines the sovereignty of the United States Constitution, which obligates this state to cure an overt constitutional crisis by enacting the Establishment Act to restore constitutional order to prevent a religious/cultural civil war; and

Whereas, This state has a compelling interest and duty to defend the race-based civil rights movement that was proven to be predicated on the Fourteenth Amendment based on the reasonable observer standard, whereas it has not been proven that the plight of self-identified homosexuals was based on genetics or immutability, which means that for any state actor to equate those two plights as if they are equal has engaged in an act of racial animus in kind that manages to be racially, sexually and emotionally exploitative and intellectually dishonest; and

Whereas, There are no ex-blacks, but there are thousands of ex-gays, who abandoned nonsecular self-asserted sex-based identity narratives and adopted one that accords with self-evident, secular, biological design; and

Whereas, People of color at one point in this country had to ride on the back of the bus, walk to school, and drink from inferior water fountains for reasons that were predicated on immutable traits, and for any state actor to equate the race-based civil rights plight to the plight of self-identified homosexuals in order to get around the Establishment Clause has engaged in a per se act of racial animus that is deeply offensive to many people of color in the State of West Virginia; and

Whereas, Nonsecular marriages have never been a part of American tradition and heritage and have nothing to do with the Substantive Due Process Clause of the Fourteenth Amendment; and

Whereas, The state is prohibited under the First Amendment Establishment Clause and Article III Section 15 of the West Virginia Constitution from recognizing homosexuals, but it does recognize the Free Exercise Clause of the First Amendment and Article III Section 15 of the West Virginia Constitution right for an individual to self-identify as a homosexual, polygamist, zoophile, objectophile, etc.; and

Whereas, Because the United States Supreme Court found in *Cantwell v. Connecticut*, 310 U.S. 296 (1940) that Free Exercise Clause of the First Amendment applies to the states through the Fourteenth Amendment, any person within this state's jurisdiction can freely form any self-asserted sex-based identity narrative with impunity as permitted by the Free Exercise Clause of the First Amendment no matter how perceptively morally repugnant or offensive, and they can live in

accordance with those beliefs as long as the practices do not violate existing state or federal laws because the freedom of religion is not absolute; and

Whereas, In view of the Free Exercise Clause of the First Amendment, this state does not object to the decision in *Lawrence v. Texas*, 539 U.S. 558 (2003) which overruled *Bowers v. Hardwick*, 478 U.S. 186 (1986), which was a decision that had the effect of overruling state policies that made it illegal for two consenting adults of the same sex to privately engage in sexual acts; and

Whereas, The state government is not a church nor is it a redeemer, and the government is barred from allowing devout Secular Humanist to enshrine their ideology through state action in the hopes that it will make them feel less ashamed and inadequate about engaging in faith-based practices that naturally cultivate feelings of shame and inadequacy for going against the way that we are and the way that things are from the reasonable observer standpoint; and

Whereas, The Supreme Court in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) was correct in finding that the United States Constitution is not silent as to how the states must legally define marriage - the Establishment Clause of the First Amendment only allows the state to legally recognize marriage between a man and a woman because it is the only secular form; and

Whereas, Civilizations for millennia have defined marriage as a union between a man and a woman, making it the only form of secular marriage that the government is allowed to legally recognize and respect; and

Whereas, Marriage between a man and a woman arose out of the nature of things, and marriage between a man and a woman is natural, neutral, and noncontroversial, unlike non-secular marriages that do not involve a man and a woman and are deeply controversial and divisive; and

Whereas, Marriages policies that endorse marriage between a man and a woman are secular in nature for purposes of the Establishment Clause insofar as the policies accomplish their purpose, fulfill a compelling state interest, are predicated on self-evident truth, and do not put religion over nonreligion in their making and in their enforcement, unlike nonsecular marriage policies; and

Whereas, The United States Supreme Court in *Church of the Holy Trinity v. United States*, 143 U.S. 457 (1892) was not necessarily correct in declaring that "America is a Christian Nation" and the United States Supreme Court in *Planned Parenthood v. Casey*, 505 U.S. 833 (1992) was not correct in implying that America is a Secular Humanist Nation, when it enshrined the modern cultural mindset by declaring that "at the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe;" and

Whereas, The State of West Virginia is at best part of an unofficial Christian Nation insofar as the laws of the United States must be predicated on self-evident, neutral, natural, morality, which only happens to parallel the doctrine of some institutionalized religions, like Christianity, by coincidence in the same way that parts of the United States Constitution and the Bill of Rights do, yet there will never be a mandate that requires citizens to accept Christianity, Secular Humanism, or any other religion by this state because the Establishment Clause prohibits such mandates and the Free Exercise Clause permits individuals the fundamental right to worship what they want without government interference; therefore, be it

Resolved by the Legislature of West Virginia:

That The Legislature recognizes that Secular Humanism is a religion for the purpose of the Establishment Clause of the First Amendment of the United States Constitution and Article III Section 15 of the West Virginia Constitution and that it is a religion that has limited protections under the Free

Exercise Clause of the First Amendment of the United States Constitution and Article III Section 15 of the West Virginia Constitution because it tends to erode community standards of decency, promote licentiousness, and attempt to justify practices that are inconsistent with the peace and safety of the state; and

Further Resolved, Pursuant to the First Amendment Establishment Clause of the United States Constitution, Article III Section 15 of the West Virginia Constitution, and the state's compelling interest to uphold contemporary community standards of decency, an agent of the state shall not directly or symbolically create or enforce policies that respect or recognize non-secular self-asserted sex-based identity narratives or sexual orientation orthodoxy, which means that agent of the state shall not:

- (1) Issue or recognize a marriage license that does not involve a secular marriage.
- (2) Appropriate, distribute, or award public funds in a manner that directly or indirectly respects, promotes or endorses the plausibility of nonsecular self-asserted sex-based identity narratives, sexual orientation orthodoxy, or nonsecular marriage ideology;
- (3) Appropriate, distribute or award a grant of public funds to cover the cost of sex reassignment surgery.
- (4) Prohibit or unduly restrict conversion therapy;
- (5) Display a flag that promotes nonsecular self-asserted sex-based identity narratives or sexual orientation orthodoxy in a manner that would be unconstitutional for the same state actor to display a flag that respects or promotes the edicts of an institutionalized religion;
- (6) Promote the use of puberty blockers, especially to minors;
- (7) Permit a person who was born as a biological male to change their gender to female on their birth certificate, driver's license, or any other official government form;
- (8) Permit a person who was born as a biological female to change their gender to male on their birth certificate, driver's license, or any other official government form;
- (9) Assign or house an inmate who was born as a biological male in a ward or cell designated for inmates who were born as biological females;
- (10) Assign or house an inmate who was born as a biological female in a ward or cell designated for inmates who were born as biological males; or
- (11) Mandate pronoun changes in an effort to show respect to sexual orientation orthodoxy; and, be it

Further Resolved, That pursuant to the First Amendment Establishment Clause of the United States Constitution, Article III Section 15 of the West Virginia Constitution, and the state's compelling interest to discourage licentiousness, under the heightened standard to protect children from state-sponsored indoctrination, a public school and its agent shall not create or enforce policies that respect or recognize nonsecular self-asserted sex-based identity narratives or sexual orientation orthodoxy, which means that a public school and its agent shall not:

- (1) Expose students to curriculum concerning nonsecular self-asserted sex-based identity ideology or sexual orientation orthodoxy unless the programming is part of a sex-education program and only after a student's parents have:

(A) Intentionally opted their child into participating in the programming in writing;

(B) Received a warning from the school or department of education that the messaging could expose their child to licentiousness and one particular religious worldview.

(2) Permit a student was born as a biological male to participate in sports designated for biological females;

(3) Permit a student was born as a biological female to participate in sports designated for biological females;

(4) Permit a person who was born as a biological male to enter or use a locker room or restroom designated for biological females;

(5) Permit a person who was born as a biological female to enter or use a locker room or restroom designated for biological males;

(6) Mandate pronoun changes in an effort to show respect to doctrines of Secular Humanism; or

(7) Host or sponsor Drag Queen Story Time for children or similar programming; and, be it

Further Resolved, That pursuant to the First Amendment Establishment Clause of the United States Constitution, Article III Section 15 of the West Virginia Constitution, and the state's compelling interest to discourage licentiousness, under the heightened standard to protect children from state-sponsored indoctrination, a public library and its agents shall not host, sponsor, promote or condone Drag Queen Storytime for children or similar programming; and, be it

Further Resolved, Policies that respect and endorse a secular marriage between a man and a woman shall continue to be enforced, recognized and respected and agents of the state shall only issue and recognize secular marriage licenses because of the policies:

(1) Are natural, neutral, noncontroversial and secular in nature;

(2) Fulfill their actual purpose;

(3) Fulfill a narrowly tailored compelling state interest by upholding community standards of decency; and

(4) Do not:

(A) Violate the United States Constitution or the Constitution of the State of West Virginia;

(B) Fail the Lemon Test;

(C) Promote licentiousness;

(D) Attempt to justify practices that are inconsistent with the peace or safety of the state;

(E) Put religion over nonreligion; or

(F) Constitute a nonsecular sham, calculated ploy, power grab, or political power play.

Further Resolved, That the Clerk of the House of Delegates shall forward a copy of this resolution to the Governor and the United States Congress.

Delegates Howell, C. Martin, Hott, Hamrick, Cadle, Sypolt, Wilson, Swartzmiller, Hansen, J. Jeffries and Worrell offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

H. C. R. 96 - "Requesting the Joint Committee on Government and Finance study the hiring exemptions of the West Virginia State Tax Department and the West Virginia Division of Highways—Department of Transportation."

Whereas, The State Tax Department and the Division of Highways are exempt from the rules and hiring procedures of the West Virginia Division of Personnel; and

Whereas, It is time to review the timelines for hiring for the Tax Department and Division of Highways to determine how they compare with the standard personnel timelines of the Division of Personnel, whether it makes sense to continue these hiring exemptions, whether the rules are substantially the same for the Tax Department and Division of Highways as those of the Division of Personnel, and if they differ substantially from those of the Division of Personnel; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the hiring exemptions of the West Virginia State Tax Department and the West Virginia Division of Highways—Department of Transportation; and be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2021, 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.

And,

Delegate Rowe offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

H. C. R. 97 - "Designating February 3 as Freedom Day to memorialize the February 3, 1865, Act by the Legislature that abolished slavery in West Virginia."

Whereas, In the State Constitutional Convention of 1862-1863, the Rev. Mr. Gordon Battelle of Ohio County introduced resolutions that banned enslaved persons from entering the state and provided for the gradual and equitable removal of slavery from the state on a future Fourth of July. Despite Battelle's and a few delegates' best efforts to secure approval of the proposal, the convention gagged any committee or convention action. Some delegates simply opposed freeing enslaved persons, and others feared what effect adoption might have on congressional passage of a statehood bill. Four border slavery states might oppose the statehood bill with emancipation provisions. The convention ducked the issue by only prohibiting additional enslaved persons and free persons of color from permanent residence in the state; and

Whereas, When the West Virginia Bill was introduced into the U.S. Senate and House of Representatives, statehood supporters soon discovered that passage was improbable without adequate provisions affecting slavery. Eventually Senator Waitman Thomas Willey of Morgantown introduced an amendment written by Rep. William G. Brown of Kingwood that children born of enslaved persons after July 4, 1863, would be free and no enslaved person shall be permitted to come into the state for permanent residence. Senator James Henry Lane of Kansas successfully amended the Willey proposal to provide a more comprehensive emancipation. Enslaved children under 10 years of age on July 4, 1863 would become free at 21, and those over 10 and under 21 on the same date would become free at age 25. The Brown/Lane/Willey Amendment became part of the final West Virginia bill signed by President Abraham Lincoln subject to its adoption by a reconvened constitutional convention. The convention adopted the Brown/Lane/Willey Amendment in February 1863, and voters ratified the amended Constitution in March; and

Whereas, West Virginia entered the federal union as a slavery state. It had a slavery code adapted from the Virginia model governing chattels. No enslaved person born previously to July 4, 1863, could be free until 1867. Enslaved persons over 21 on the operable date remained enslaved persons. Without subsequent action, the Mountain State might have had slavery until World War I; and

Whereas, Before final enactment of the statehood bill in December 1862, President Abraham Lincoln and his administration developed a policy to deal with slavery in rebellious states and areas. On Sept. 22, 1862, after the battle of Antietam, he issued a preliminary Emancipation Proclamation that promised that the enslaved persons would be freed in the rebellious states when conquered if the areas continued their insurrection. The proclamation excepted the 48 counties of West Virginia and Berkeley County from its provisions. Therefore, the final Emancipation Proclamation issued January 1, 1863, applied in West Virginia only to Jefferson County, which had more enslaved persons than any other county; and

Whereas, During the war, individual African Americans in West Virginia possessed agency outside of legislative halls and executive offices. Considerable numbers of enslaved persons emancipated themselves by fleeing from their owners, often to neighboring free states such as Pennsylvania and Ohio, and some enlisted in the Union Army; and

Whereas, As the Union Army seized more and more Confederate territory and applied the promise of the Emancipation Proclamation, President Lincoln, Secretary of State William Henry Seward, and many Republican congressional leaders perceived the inconsistency of enslaved persons becoming free in the South while the institution continued in the loyal Border States and the loyal areas excepted from the operation of the Emancipation Proclamation. They proposed the Thirteenth Amendment to the U.S. Constitution that prohibited slavery and involuntary servitude in the U. S. and in anyplace subject to its jurisdiction; and

Whereas, Informed West Virginians could anticipate what the future held for slavery when the U.S. Senate passed the amendment in April 1864. The proposal failed to secure the necessary two-thirds majority for passage in the House in June. Proponents continued to push congressmen for support of the measure until it passed on January 31, 1865. The next day, slightly more than two months before the rebel surrender at Appomattox, President Lincoln signed the joint resolution submitting the amendment to the states for ratification; and

Whereas, The Third West Virginia Legislature was prepared to act to free enslaved persons. On January 23, 1865, it had instructed the state's senators and representatives to favor the amendment to abolish slavery. It also appointed a joint legislative committee to inquire into the expediency and constitutionality of immediately abolishing state slavery and to report an appropriate bill or otherwise; and

Whereas, Three days after presidential submission, the Legislature adopted the appropriate resolution ratifying the Thirteenth Amendment. On the same day, the body abolished slavery immediately in the state. The majestic words were: "All persons held to service for labor as enslaved persons in this state, are hereby declared free" and "There shall hereafter be neither slavery nor involuntary servitude in this State" except as punishment for a crime; and

Whereas, During the momentous events of a devastating civil war, West Virginia had established itself in 1863 and became a free state before national ratification of the Thirteenth Amendment on December 18, 1865. Because of Emancipation Day, February 3, 1865, for Mountain State whites and African Americans there was no return to a society that existed in 1861; and

Whereas, Americans of all colors, creeds, cultures, religions, and countries-of-origin share in a common love of and respect for freedom, as well as a determination to protect their right to freedom through democratic institutions. There are memorials to freedom and independence observed in America annually that culminates with the 4th of July. "Until All are Free, None are Free" is an oft-repeated maxim that can be used to highlight the significance of the end of the era of slavery that existed in West Virginia on February 3, 1865; and

Resolved by the Legislature of West Virginia:

That the Legislature hereby declares February 3 as Freedom Day to memorialize the February 3, 1865 Act by the Legislature that abolished slavery in West Virginia; and be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the West Virginia Delegation in the United States House of Representatives and the United States Senate, all the members of West Virginia House of Delegates and Senate.

Special Calendar

Third Reading

Delegate Porterfield asked unanimous consent to address the House, which consent was not granted, objection being heard.

Com. Sub. for S. B. 544, Authorizing pharmacists and pharmacy interns administer vaccines; 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. 198**), and there were—yeas 91, nays 7, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barnhart, Bartlett, Kessinger, P. Martin, Pack, Paynter and Steele.

Absent and Not Voting: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 544) passed.

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

Com. Sub. for S. B. 544 – "A Bill to amend and reenact §30-5-7 of the Code of West Virginia, 1931, as amended, relating to immunizations; authorizing joint rules regulating the administrations of immunizations; requiring those rules to be based on certain standards; permitting a licensee to

perform immunizations based on the Center for Disease Control recommend schedule; requiring written parental permission for immunizations of minors; requiring a prescription for immunization of a minor; and requiring that the joint rules permits a licensee to administer immunizations in accordance with the latest definitive treatment guidelines promulgated by the Center for Disease Control guidelines.”

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

Delegate Porterfield asked unanimous consent to address the House, which consent was not granted, objection being heard.

Delegate Porterfield then so moved.

On this question, the yeas and nays were taken (**Roll No. 199**), and there were—yeas 60, nays 37, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Cowles, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miller, Pethtel, Pyles, Rodighiero, Rohrbach, Shott, Sponaugle, Steele, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Williams and Worrell.

Absent and Not Voting: Azinger, Miley and Staggers.

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

S. B. 642, Correcting incorrect code citation in WV Consumer Credit and Protection Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 200**), 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: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 642) passed.

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

Com. Sub. for H. B. 2961, Permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly; on third reading, coming up in regular order, was read a third time.

Delegates Fast and Linville requested to be excused from voting on Com. Sub. for H. B. 2961 under the provisions of House Rule 49.

The Speaker replied that the Delegates were members of a class of persons possibly to be affected by the passage of the bill and directed the Members to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 201**), and there were—yeas 85, nays 13, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: N. Brown, Hartman, Hicks, Jennings, J. Kelly, McGeehan, Miller, Paynter, Rodighiero, Sponaugle, C. Thompson, R. Thompson and Tomblin.

Absent and Not Voting: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2961) passed.

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

Com. Sub. for H. B. 2961 – “A Bill to amend and reenact §16-1-9, and §16-1-9a of the Code of West Virginia, 1931, as amended, all relating to covered categories of water supply systems, procedures for determining required installations, and customer rights in response to the commissioner’s authority to require that certain water supply systems connected to a public water supply to be equipped with a backflow prevention assembly.”

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. 4067, Relating to crimes against property; 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. 202**), and there were—yeas 92, nays 6, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: S. Brown, Doyle, Fluharty, Rowe, Sponaugle and Tomblin.

Absent and Not Voting: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4067) 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. 4101, Relating to requiring a court to verify certain conditions are met before a child who has been removed from a home; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 203**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Azinger, Miley and Pushkin.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4101) 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. 4123, Clarifying that 911 telecommunication workers are included in the definition of those individuals who perform “emergency services” during a disaster; 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. 204**), 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: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4123) 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. 4387, Donated Drug Repository 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. 205**), 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: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4387) 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. 4546, Relating to tuberculosis testing for school superintendents; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 206**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Steele.

Absent and Not Voting: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4546) 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. 4581, Relating to West Virginia Clearance for Access: Registry and Employment Screening; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 207**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4581) 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. 4666, Relating to competitive bids for intergovernmental relations and urban mass transportation; 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. 208**), and there were—yeas 92, nays 6, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Butler, Cadle, McGeehan, Pack, Paynter and Wilson.

Absent and Not Voting: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4666) 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. 4670, Relating to the juvenile restorative justice programs; 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. 209**), 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: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4670) passed.

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

H. B. 4955, Relating to reducing the cost of fees for state licenses to carry concealed deadly weapons and provisional state licenses to carry concealed deadly weapons; on third reading, coming up in regular order, was read a third time.

Delegates Anderson, Barrett, Bibby, Boggs, Butler, Canestraro, Cooper, Dean, Ellington, Espinosa, Fast, Hanna, Hardy, Hartman, Hicks, Hott, Householder, D. Jeffries, J. Jeffries, J. Kelly, Little, Lovejoy, C. Martin, Maynard, Pack, Porterfield, Skaff, Staggers, Steele, Summers, Swartzmiller, Sypolt, C. Thompson, Walker, Westfall, Wilson and Zukoff requested to be excused from voting on H. B. 4955 under the provisions of House Rule 49.

On these requests, the Speaker replied that the Delegates were members of a class of persons possibly to be affected by the passage of the bill and directed the Members to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 210**), 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: Azinger and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4955) 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

S. B. 620, Authorizing Division of Corrections and Rehabilitation approve home plans for inmates; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, 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 ~~board~~ 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 ~~recommendations~~ 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 ~~recommendations~~ the commissioner's findings. Upon receipt of the plan, together with the investigation and ~~recommendation~~ 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.

(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 ~~section twenty-seven, article five, chapter twenty-eight~~ §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 ~~warden or~~ 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 ~~warden or~~ 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 ten 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.

§62-12-13c. Authority of commissioner to establish a nonviolent offense parole program.

(a) The commissioner is authorized to establish a nonviolent offense parole program for any inmate of a state correctional facility in which an inmate may be paroled without action of the Parole Board based upon objective standards as set forth in this section, to commence on July 1, 2021.

(b) Notwithstanding any provision of this code to the contrary, any inmate of a state correctional facility is eligible for parole under the nonviolent offense parole program if:

(1) He or she has served at least the minimum term of his or her sentence and is eligible for parole as determined by the parole board; and

(2) He or she qualifies for the nonviolent offense parole program as authorized by this section.

(c) To qualify for the nonviolent offense parole program, the commissioner must determine that the inmate:

(1) Is not serving a sentence for a crime of violence against the person, crime of violence against an animal, or felony for a controlled substance offense which involves actual or threatened violence to a person, a felony offense involving the use of a firearm, or a felony offense where the victim was a minor child;

(2) Has successfully completed an individualized rehabilitation treatment program as determined by the division; and

(3) Has otherwise satisfied the requirements for parole eligibility set forth in §62-12-13 of this code.

(d) Any person released under the nonviolent offense parole program shall be subject to all conditions of release and sanctions for violations applicable to persons released on parole by the Parole Board, and all parole revocations of persons granted parole pursuant to this section shall be heard in accordance with the provisions of §62-12-19 of this code.

(e) The nonviolent offense parole program authorized by subsection (a) of this section requires no action by the Parole Board as to the release decision if the inmate qualifies for the program and has successfully completed his or her rehabilitation treatment program as determined by the commissioner.

(f) The commissioner shall develop a policy directive setting forth the processes and procedures to determine successful completion of the rehabilitation treatment program and to provide notice to the inmate. If the inmate fails to successfully complete his or her rehabilitation treatment program, his or her parole shall be determined in accordance with the provisions of §62-12-13 of this code. An inmate who has been denied parole pursuant to the provisions of §62-12-13 of this code and who thereafter successfully completes his or her rehabilitation treatment program prior to his or her next parole review shall be eligible for release under the nonviolent offense parole program within a reasonable time after he or she may successfully complete such program as determined by the commissioner, provided the inmate remains qualified for release under the nonviolent offense parole program.”

The bill was then ordered to third reading.

Com. Sub. for H. B. 2775, Requiring each high school student to complete a full credit course of study in personal finance; 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. 4092, Relating to foster care; on second reading, coming up in regular order, was read a second time.

Delegates Nelson and Pack moved to amend the bill, as follows:

On page twenty-five, section one hundred twenty-eight, line thirty-eight, by inserting new subsection (f) to read as follows:

“(f) A foster parent or kinship placement may use relative family child care, as defined in §49-1-206, to care for the foster child or kinship placement using the reasonable prudent parent standard.”

Whereupon,

Delegate Nelson asked and obtained unanimous consent that the amendment be reformed, as follows:

On page twenty-six, section one hundred twenty-eight, line thirty-eight, by inserting new subsection (f) to read as follows:

“(f) A foster parent or kinship placement may use relative family child care, as defined in §49-1-206, to care for the foster child or kinship placement using the reasonable prudent parent standard.”

And, re-lettering the remaining subsections, accordingly.

The question being adoption of the reformed amendment, the same was put and the amendment was adopted.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4165, West Virginia Remembers Program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4519, Establishing a summer youth intern pilot program within Department of Commerce; 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. 4620, Redefining definition of “recovery residence”; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was postponed one day.

Com. Sub. for H. B. 4621, West Virginia FinTech Regulatory Sandbox Act; on second reading, coming up in regular order, was read a second time

On motion of Delegate Capito, the bill was amended on page eight, section four, line fifty-five, by striking out all of subsection (j) and inserting in lieu thereof the following:

“(j) The Division of Financial Institutions shall require a sandbox participant to post a consumer protection bond with the commissioner as security for potential losses suffered by consumers. The bond amount shall be determined by the commissioner in consultation with the sandbox participant in an amount not less than \$5,000 and shall be commensurate with the risk profile of the innovative product or service. The commissioner may require that a bond be increased or decreased at any time based on risk profile and shall provide the sandbox participant with 30 days prior written notice of such increase or decrease. The commissioner may use bond proceeds to offset losses suffered by consumers as a result of an innovative product or service. The bond shall expire two years after the date of the conclusion of the testing period. The commissioner may accept electronic bonds from any participant.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4633, Expanding county commissions’ ability to dispose of county or district property; 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. 4729, Requiring higher education institutions to use previous versions or editions of instructional materials; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 2028, Limiting supervision of laying of lines on state rights-of-way,

Com. Sub. for H. B. 2663, Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code,

Com. Sub. for H. B. 4099, Eliminating the permit for shampoo assistants,

H. B. 4450, Relating to instruction permits issued by the Division of Motor Vehicles,

H. B. 4499, Relating to multicounty trail network authorities,

H. B. 4504, Relating to renewal application requirements for individuals with permanent disabilities,

Com. Sub. for H. B. 4537, Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake,

Com. Sub. for H. B. 4543, Relating to insurance coverage for diabetics,

H. B. 4714, Increasing the monetary threshold for requiring nonprofit organizations to register as a charitable organization,

Com. Sub. for H. B. 4734, Rewriting the article on registered professional nurses,

And,

Com. Sub. for H. B. 4773, Creating a workgroup to investigate and recommend screening protocols for adverse childhood trauma in this state.

Leaves of Absence

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

Delegate Fast asked unanimous consent that the remarks of Delegate Porterfield during Remarks by Members be printed in the Appendix to the Journal, which consent was not granted, objection being heard.

Delegate Fast then so moved.

On this question, the yeas and nays were demanded, which demand was sustained.

Having been ordered, they were taken (**Roll No. 211**), and there were—yeas 92, nays 3, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Cowles, Fluharty and Porterfield.

Absent and Not Voting: Azinger, Byrd, Miley, Sponaugle and Wilson.

So, two thirds of the members present having voted in the affirmative, the motion prevailed.

Miscellaneous Business

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

- Delegate Westfall for H. B. 4697
- Delegate Campbell for H. B. 4843
- Delegate Pyles for H. B. 4837

At 1:01 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 18, 2020.

SPECIAL CALENDAR

Tuesday, February 18, 2020

42nd Day

11:00 A. M.

THIRD READING

- S. B. 620 - Authorizing Division of Corrections and Rehabilitation approve home plans for inmates (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2775 - Requiring each high school student to complete a full credit course of study in personal finance (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 4092 - Relating to foster care (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4165 - West Virginia Remembers Program (ELLINGTON) (REGULAR)
- H. B. 4519 - Establishing a summer youth intern pilot program within Department of Commerce (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 4621 - West Virginia FinTech Regulatory Sandbox Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4633 - Expanding county commissions' ability to dispose of county or district property (STORCH) (REGULAR)
- Com. Sub. for H. B. 4729 - Requiring higher education institutions to use previous versions or editions of instructional materials (ELLINGTON) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2028 - Limiting supervision of laying of lines on state rights-of-way (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2663 - Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4099 - Eliminating the permit for shampoo assistants (HOWELL) (REGULAR)
- H. B. 4450 - Relating to instruction permits issued by the Division of Motor Vehicles (BUTLER) (REGULAR)
- H. B. 4499 - Relating to multicounty trail network authorities (BUTLER) (REGULAR)
- H. B. 4504 - Relating to renewal application requirements for individuals with permanent disabilities (BUTLER) (REGULAR)

- Com. Sub. for H. B. 4537 - Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4543 - Relating to insurance coverage for diabetics (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4620 - Redefining definition of "recovery residence" (HILL) (REGULAR)
- H. B. 4714 - Increasing the monetary threshold for requiring nonprofit organizations to register as a charitable organization (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4734 - Rewriting the article on registered professional nurses (HILL) (REGULAR)
- Com. Sub. for H. B. 4773 - Creating a workgroup to investigate and recommend screening protocols for adverse childhood trauma in this state (HILL) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 209 - Relating to annexation by minor boundary adjustment (STORCH) (REGULAR)
- Com. Sub. for S. B. 339 - Authorizing DHHR promulgate legislative rules (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4009 - Relating to the process for involuntary hospitalization (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4015 - Relating to Broadband Enhancement and Expansion (SHOTT) (REGULAR)
- H. B. 4039 - Providing limitations on nuisance actions against fire department and emergency medical services (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4422 - The Patient Brokering Act (SHOTT) (REGULAR)
- H. B. 4514 - Permitting the use of leashed dogs to track mortally wounded deer or bear (ATKINSON) (REGULAR)
- H. B. 4529 - Relating to the collection of assessments and the priority of liens on property within a resort area (SHOTT) (REGULAR)
- H. B. 4589 - Conducting study for an appropriate memorial for West Virginians killed in the War on Terror (JENNINGS) (REGULAR)
- Com. Sub. for H. B. 4593 - Authorizing the assignment of poll workers to serve more than one precinct under certain circumstances (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4594 - Allowing poll workers to be appointed to work in precincts outside their county (SHOTT) (REGULAR)

- H. B. 4697 - Removing the restriction that a mini-distillery use raw agricultural products originating on the same premises (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4747 - Extending electronic submission of various applications and forms for nonprofit and charitable organizations, professionals and licensees (HOWELL) (REGULAR)
- H. B. 4749 - Providing more efficient application processes for private investigators, security guards, and firms (HOWELL) (REGULAR)
- H. B. 4777 - Relating to the right of disposition of remains (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4852 - Relating to the penalties for the manufacture, delivery, possession, or possession with intent to manufacture or deliver methamphetamine (SHOTT) (REGULAR)
- H. B. 4864 - Relating to performance reviews of state agencies and regulatory boards (HOWELL) (REGULAR)
- H. B. 4865 - Requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures (HOWELL) (REGULAR)
- H. B. 4956 - Relating generally to the partition of real property (SHOTT) (REGULAR)

HOUSE CALENDAR

Tuesday, February 18, 2020

42nd Day

11:00 A. M.

UNFINISHED BUSINESS

H. R. 3 - Amending the Rules of the House of Delegates, relating to remarks by members

THIRD READING

- Com. Sub. for S. B. 534 - Removing workers' compensation exclusion for temporary legislative employees (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4001 - Creating West Virginia Impact Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE) (AMENDMENT PENDING BY DELEGATES HOUSEHOLDER AND BATES) [RIGHT TO AMEND]
- Com. Sub. for H. B. 4096 - Requiring candidates to live in the state or local election district for the office for which they are seeking (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4155 - Relating generally to the regulation of plumbers (HOWELL) (REGULAR)

SECOND READING

- S. B. 170 - Alleviating double taxation on foreign income at state level (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- H. J. R. 102 - Providing the West Virginia Legislature rulemaking oversight of the board of education (SHOTT)
- Com. Sub. for H. B. 4059 - Increasing access to long acting reversible contraception (HILL) (REGULAR)
- H. B. 4455 - Permitting fees from the Central Abuse Registry to be used for costs relating to information technology support and infrastructure (HOUSEHOLDER) (REGULAR)
- H. B. 4524 - Making the entire state "wet" or permitting the sale of alcoholic liquors for off-premises consumption (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4690 - Relating to solid waste facilities (SHOTT) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 4388 - Limiting the Alcohol Beverage Control Commissioner's authority to restrict advertising (HOWELL) (REGULAR)

WEST VIRGINIA HOUSE OF DELEGATES

TUESDAY, FEBRUARY 18, 2020

HOUSE CONVENES AT 11:00 A.M.

**TECHNOLOGY AND INFRASTRUCTURE
8:30 A.M. – ROOM 215 E**

**COMMITTEE ON EDUCATION
9:30 A.M. – ROOM 434 M**

**COMMITTEE ON FINANCE
9:30 A.M. – ROOM 460 M**

**COMMITTEE ON THE JUDICIARY
9:30 A.M. AND 3:00 P.M. – ROOM 410 M**

**COMMITTEE ON RULES
10:45 A.M. – BEHIND CHAMBER**

**FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES
IMMEDIATELY AFTER FLOOR SESSION – ROOM 410 M**

**COMMITTEE ON ENERGY
2:00 P.M. – ROOM 410 M**

**PENSIONS AND RETIREMENT
2:00 P.M. – ROOM 460 M**

WEDNESDAY, FEBRUARY 19, 2020

**PUBLIC HEARING
COMMITTEE ON THE JUDICIARY
8:30 A.M. – HOUSE CHAMBER**

S. C. R. 4, URGING CONGRESS CALL CONVENTION TO PROPOSE AMENDMENT ON CONGRESSIONAL TERM LIMITS.

THURSDAY, FEBRUARY 20, 2020

**PUBLIC HEARING
COMMITTEE ON THE JUDICIARY
8:30 A.M. – HOUSE CHAMBER
H. B. 4176, WEST VIRGINIA INTELLIGENCE/FUSION CENTER ACT.**

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