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FORTY-FOURTH DAY

Thursday, February 20, 2020

FORTY-FOURTH DAY

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

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

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

The Clerk proceeded to read the Journal of Wednesday, February 19, 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 H. B. 2663, on Third Reading, Special Calendar, Com. Sub. for H. B. 4852, on Second Reading, Special Calendar and Com. Sub. for H. B. 4651, on First Reading, Special Calendar had been transferred to the House Calendar; and Com. Sub. for H. B. 4001, on Third Reading, House Calendar, Com. Sub. for H. B. 4155, on Third Reading, House Calendar, and Com. Sub. for H. B. 4388, on First Reading, House Calendar, had been transferred to the Special Calendar.

At the request of Delegate Summers, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introducing a resolution.

Introduction of Resolutions

Delegates Bates, Steele, Pack, Toney and on Behalf of the Members of the House of Delegates offered the following resolution, which was reported by the Clerk.

H. R. 12 - "Memorializing the life of the Honorable Sally Matz Susman, proud mother, grandmother, great-grandmother, journalist, public servant and West Virginian."

Whereas, Sally Matz Susman, was born on June 14, 1930, in Bluefield, West Virginia, daughter of the late Rose Caplan and Nathan Matz. In addition to her parents, Sally was preceded in death by her husband, Alan Land Susman, and is survived by her children, daughter Robin Susman Wartella and her husband Bradley Paul, son Benjamin Matz Susman and his wife Dixie Pullins, and son Thomas Land Susman and his wife Carol Lynn, and her six grandchildren: Alisa Rae Wartella, Leigh Matz Wartella, Jennifer Rose Susman, Courtney Lynn Susman, Austin David Susman, and Michael Alan Susman; and two great-grandchildren: John Carlson Hutchinson and Miles Alan Hutchinson; and

Whereas, Sally Susman graduated high school from Brenau Academy in Gainesville, Georgia, and received her bachelor's degree in journalism from The Ohio State University in Columbus, Ohio; and

Whereas, Sally, for many years, was a member of the fourth estate, as a newspaper publisher and editor, operating the Mullens Advocate in Mullens, West Virginia, and the Gulf Times in Sophia, West Virginia; and

Whereas, Sally also served as the director of Bank of Mount Hope and the Raleigh County National Bank, and volunteered her time as a member of the Advisory Board for the West Virginia University School of Medicine, and as a board member of the West Virginia Foundation for Independent Colleges; and

Whereas Sally's numerous activities in her local community include being a member of the Coalfield Expressway, volunteering for the Beckley Garden Club, the Beckley Women's Club, the West Virginia Chapter of the NAACP, and numerous other community service organizations; and

Whereas, Fueled by her passion and desire to contribute to her community, Sally Susman was elected to serve two terms on Raleigh County Board of Education; and then subsequently ran for and was elected to the West Virginia House of Delegates and proudly represented the 27th District of Raleigh and Summers Counties for ten years, from 1999 until 2006 and again from 2009 to 2010; and

Whereas, Through her service in the House of Delegates, Delegate Susman served on numerous committees, most notably serving as Vice-Chair of the Committee on Constitutional Revision and Vice-Chair of the Committee on Political Subdivisions, and as Chair of the Employee Suggestion Award Board; and

Whereas, Sally's commitment to education, health care, and ensuring equality among all West Virginians will forever be remembered and reflected in her amiable legacy; and

Whereas, Delegate Susman was never afraid to speak her mind; and

Whereas, During her service with the House of Delegates, she developed many close friendships with other members and House staff and will always be appreciated and remembered by those of us at the House of Delegates who had the honor to know her kindness, generosity and friendship;

Whereas, Sadly, West Virginia lost a fine citizen, committed and respected public servant, giving and dedicated friend to many. The Honorable Sally Matz Susman passed away on December 23, 2019; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby memorializes the life of the Honorable Sally Matz Susman, proud mother, grandmother, great-grandmother, journalist, public servant, loyal and caring West Virginian; and, be it

Further Resolved, That the House of Delegates hereby extends its sincere sympathy to her family at the passing of the Honorable Sally Matz Susman; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the family of the Honorable Sally Matz Susman.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 12) to a committee was dispensed with, and it was taken up for immediate consideration, and then read by the Clerk.

The question being on the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 243**), 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: Dean, Hornbuckle and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 12) adopted.

Committee Reports

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. 4447, Creating the shared table initiative for senior citizens who suffer from food insecurity,

H. B. 4606, Listing contractor classifications on a contractor license,

H. B. 4882, Authorizing limited sampling and limited sale of wine for off-premises consumption to wineries not licensed in the state,

H. B. 4884, Relating to a charitable or public service organization must submit a certifying statement attesting to its status,

And,

H. B. 4887, Relating to revocation, cancellation, or suspension of business registration certificates,

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 Government Organization and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Howell, C. Martin, Wilson and Jennings:

H. B. 4960 - "A Bill to amend and reenact §29-3B-3 of the Code of West Virginia, 1931, as amended, relating to exempting from licensure as an electrician a person who installs low voltage electrical wiring."

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

By Delegates Howell, C. Martin, Staggers, Tomblin and Barnhart:

H. B. 4959 - "A Bill to amend and reenact §31-15-5 and §31-15-6 of the Code of West Virginia, 1931, as amended, relating to clarifying the ability of the Economic Development Authority Board of Directors to enter into any contracts necessary to carry out its duties; clarifying the ability of the Board of Directors to delegate to the Executive Director the authority to enter into said contracts; and to clarify the exemption from the requirements to use the Purchasing Division for contracts made in furtherance of the agency's statutory purpose."

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. 4792, Relating to the board of public works assessing a flat fee on land owned by a railroad, telegraph, telephone, or pipeline under certain conditions,

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. 4792) was referred to the Committee on Finance.

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. 4823, Developing a plan for periodic audits of the expenditure of the fees from the emergency 911 telephone system and wireless enhanced 911.

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

Com. Sub. for H. B. 4823 - "A Bill to amend and reenact §24-6-3 of the Code of West Virginia, 1931, as amended, relating to emergency 911 telephone system and wireless enhanced 911 fees; and requiring the Public Service Commission in cooperation with the State Auditor to develop a plan for periodic audits of the expenditure of the fees from these systems,"

And,

H. B. 4886, Requiring the PSC and the DOH to submit reports concerning activity on the Coal Resource Transportation Road System,

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

Com. Sub. for H. B. 4886 - "A Bill to amend and reenact §17C-17A-3 of the Code of West Virginia, 1931, as amended, relating to requiring the Public Service Commission and the Division of Highways to submit reports to the Commercial Motor Vehicle Weight and Safety Enforcement Advisory Committee and to the Joint Committee on Government and Finance concerning activity on the Coal Resource Transportation Road System,"

With the recommendation that the committee substitutes 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. 4360, Exempting certain persons from heating, ventilating, and cooling system licensing requirements,

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

Com. Sub. for H. B. 4360 - "A Bill to amend and reenact §21-16-3 of the Code of West Virginia, 1931, as amended, relating to heating, ventilating, and cooling system licensing requirements;

exempting from licensure requirements certain persons only performing electrical, or plumbing work on a heating, ventilating, and cooling system, including, but not limited to, thermostats, bathroom fans, and tankless water heater ventilation; providing for recognition of verified military service, training or education; and clarifying reciprocity provisions,”

H. B. 4464, Relating to driving privileges and requirements for persons under the age of 18,

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

Com. Sub. for H. B. 4464 - “A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended, relating to driving privileges and requirements for persons under the age of 18; prohibiting the holder of a level three, full class E license from using a wireless communication device while operating a motor vehicle and specifying exception; and making a violation of level three license terms and conditions subject to criminal penalty provision; and relating to extending the validity of a level one instruction driver’s permit to 180 days after a person who is an active member of the military reaches the age of 18 years,”

And,

H. B. 4803, Directing the State Fire Commission to promulgate a legislative rule related to code official certification standards,

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

Com. Sub. for H. B. 4803 - “A Bill to amend and reenact §29-3C-3 and §29-3C-5 of the Code of West Virginia, 1931, as amended, all relating to certification of electrical inspectors.”

With the recommendation that the committee substitutes each do pass.

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

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

H. B. 4899, Prohibiting the use of class B fire-fighting foam for testing purposes if the foam contains a certain class of fluorinated organic chemicals,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4899) was referred to the Committee on 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. 2646, Providing a safe harbor for employers to correct underpayment or nonpayment of wages and benefits due to separated employees,

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

Com. Sub. for H. B. 2646 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-5-4a, relating to providing a safe harbor for employers to correct underpayment or nonpayment of wages and fringe benefits due to separated employees prior to the filing of a lawsuit; prohibiting an employee from seeking liquidated damages or attorney’s fees when bringing an action for the underpayment or nonpayment of wages and fringe benefits due upon the employee’s separation of employment without first making a written demand to the employer; requiring the employer to inform the employee of who the authorized representative is and where to send a written demand; permitting only those employees who have made a written demand to the employer to be included in a class action lawsuit brought for the underpayment or nonpayment of wages and fringe benefits due upon the employee’s separation of employment; allowing the class action to proceed if only the named employee is paid; and defining the term “written demand”,”

And,

H. B. 4485, Reorganizing and redesignating the Department of Military Affairs and Public Safety as the Department of Homeland Security,

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

Com. Sub. for H. B. 4485 - “A Bill to repeal §15-5-4, §15-5-27, §29-3-1, §29-3-2, §29-3-3, §29-3-4, §29-3-5, §29-3-5a, §29-3-5b, §29-3-5c, §29-3-5d, §29-3-5e, §29-3-5f, §29-3-6, §29-3-7, §29-3-8, §29-3-9, §29-3-10, §29-3-11, §29-3-12, §29-3-12a, §29-3-12b, §29-3-13, §29-3-14, §29-3-15, §29-3-16, §29-3-16a, §29-3-16b, §29-3-16c, §29-3-16d, §29-3-17, §29-3-18, §29-3-19, §29-3-21, §29-3-22, §29-3-27, §29-3-28, §29-3-29, §29-3-30, and §29-3-32 of the Code of West Virginia 1931, as amended; to amend and reenact §5F-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 and §5F-2-2 of said code; to amend and reenact §15-1A-3 of said code; to amend and reenact §15-5-3, §15-5-4b, §15-5-4c, §15-5-13, §15-5-20a, §15-5-24 and §15-5-26 of said code; to amend said code by adding thereto a new section, designated as §15-5-29; to amend and reenact §15A-1-2 and §15A-1-3 of said code; to amend said code by adding thereto a new section, designated as §15A-1-9; to amend said code, by adding thereto a new article, designated §15A-9-1, §15A-9-2, §15A-9-3, §15A-9-4, §15A-9-5, §15A-9-6, and §15A-9-7, to amend said code by adding thereto a new article, designated §15A-10-1, §15A-10-2, §15A-10-3, §15A-10-4, §15A-10-5, §15A-10-6, §15A-10-7, §15A-10-8, §15A-10-9, §15A-10-10, §15A-10-11, §15A-10-12, §15A-10-13, §15A-10-14, §15A-10-15, §15A-10-16, §15A-10-17, §15A-10-18, §15A-10-19, §15A-10-20, §15A-10-21, §15A-10-22, §15A-10-23, §15A-10-24, and §15A-10-25; to amend said code by adding thereto a new article, designated §15A-11-1, §15A-11-2, §15A-11-3, §15A-11-4, §15A-11-5, §15A-11-6, §15A-11-7, §15A-11-8, §15A-11-9, §15A-11-10, and §15A-11-11; to amend and reenact §19-1-4 of said code; to amend and reenact §19-21A-4 of said code; to amend and reenact §20-1-7 of said code; to amend and reenact §22-1-6 of said code; to amend and reenact §29-31-2, §29-31-3, and §29-31-4 of said code; to amend said code by adding thereto a new section, designated §29-31-5; and to amend said code by adding thereto a new section, designated §33-2-23; all relating to reorganizing and redesignating the Department of Military Affairs and Public Safety as the Department of Homeland Security; clarifying the divisions that report to the cabinet secretary of that Department, removing the Adjutant General’s Office, State Armory Board, and Military Awards Board from the Department of Military Affairs and Public Safety; clarifying the agencies established within the Department of Military Affairs and Public Safety; delineating that the secretary of each state Department cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties; requiring that the Adjutant General cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties; designating the Department of Homeland Security as the State Administrative Agency for homeland security and emergency management grants; designating the Division of Homeland Security and Emergency Management as the Division of Emergency Management; making the employees of the Division of

Emergency Management classified exempt employees; terminating the West Virginia Disaster Recovery Board; providing that the State Resiliency Officer have the authority to disburse funds from the Disaster Recovery Trust Fund; granting powers necessary to accomplish such disbursement to the State Resiliency Officer; providing for appropriations and other funding sources to the Disaster Recovery Trust Fund; deleting requirements for government entities with deficiently trained floodplain managers to transfer their floodplain oversight to another governmental entity; amending provisions regarding administration of the Disaster Recovery Trust Fund; providing the State Resiliency Officer need not pay taxes for moneys deposited in the Disaster Recovery Trust Fund or other assets of such Fund; repealing the provision for an annual report of the abolished Disaster Recovery Board; providing the Director of the Division of Emergency Management shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties; establishing the powers and duties of the Secretary of Homeland Security; establishing the Office of Administrative Hearings within the Department of Military Affairs and Public Safety; authorizing the appointment of a Chief Hearing Examiner, establishing the organization of the Office of the Chief Hearing Examiner; establishing the jurisdiction of the office of administrative hearings; establishing hearing procedures; establishing rule-making authority; establishing a duty to provide notice of change of address; establishing policies for the transition from divisions of the department of homeland security to the office of administrative hearings; separating the Fire Marshal from the Fire Commission; transferring the Fire Marshal from the State Fire Commission to the Department of Homeland Security; setting forth the appointment process for the Fire Marshal, setting forth qualifications, salary, and responsibilities of the State Fire Marshal; allowing the Fire Marshal to hire employees; allowing the Fire Marshal to hire a Deputy, and setting the qualifications of the Deputy; requiring new Fire Marshals 1, 2, 3, and Deputies to become certified law-enforcement officers; setting forth powers and duties of the State Fire Marshal; setting forth additional powers and duties relating to law enforcement, statewide contracts, penalties, and authority to carry firearms; creating enforcement standards for the state building and fire codes; creating rule-making authority; allowing the appointment of advisory boards; setting forth the responsibilities of insurance companies in fire loss investigations; allowing the Fire Marshal to set fees; requiring an annual report; setting forth maintenance of fire hazard standards; allowing orders for repair or demolition; allowing orders to contain notice to comply and a right to appeal; providing standards for service of repair or demolition orders; clarifying who is responsible for cost of work or demolition; allowing an action to recover cost; requiring smoke detectors in one and two family dwellings; requiring carbon monoxide detectors in residential units, schools, and day care facilities and setting forth penalties; allowing the use of live trees in public buildings under certain circumstances; setting forth safety standards for bed and breakfast establishments; setting forth standards for installation of propane gas systems; setting forth parameters to abate fire hazards; setting forth license denial, limitation, suspension and revocation standards; creating an independent informal dispute process for licensees upon appeal; establishing demonstration building and equipment standards for educational instruction for fire protection and prevention and abatement; creating crime of false alarm of fires and setting forth penalties; creating tax on insurance companies; setting forth general criminal penalties for violation; setting forth that the parts of the article are construed liberally; creating a severability section; allowing the Fire Marshal to award service weapons to retiring employees under certain conditions; allowing the Fire Marshal to dispose of unused firearms; continuing the Fire Commission, setting forth composition, qualifications, appointment, terms of office, removal, vacancies, and compensation and expenses; establishing chairperson, vice chairperson, meeting and quorum requirements; creating rule making authority for fire code, building code, and general rule making authority; continuing the hazardous response training program; requiring public hearing and notice prior to promulgation of fire code; setting forth commission's powers and conduct of public hearing; setting forth commission's powers duties and authority; setting forth authority over volunteer fire department training, and equipment, and creating rule-making authority for such; continuing courtesy certification of firefighters in surrounding states to serve as volunteer firefighters; continuing the Fire Service Equipment and Training Fund; providing the Commissioner of Agriculture shall cooperate with the State Resiliency Office to the fullest extent

practicable to assist that office in fulfilling its duties; providing the State Conservation Committee shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties; providing the Director of the Division of Natural Resources shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties; providing the Secretary of the Department of Environmental Protection shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties; repealing generally now-obsolete provisions relating to the Fire Commission and State Fire Marshal; placing the State Resiliency office under the Office of the Governor; adding the President of the West Virginia Emergency Management Council, the Secretary of the Department of Homeland Security, Director of the Division of Emergency Management on the State Resiliency Office Board; adding two non-voting member legislators from each house of the Legislature to the State Resiliency Office Board; specifying tenure of office on that board; providing that members of the board serve without compensation, but may collect necessary expenses; providing certain mandatory duties for that Board; providing the State Resiliency Officer shall be appointed by the Governor with the advice and consent of the Senate, and setting the duties and qualifications for such officer; providing for the employment of a deputy to the State Resiliency Officer shall be appointed by the Governor with the advice and consent of the Senate, upon presentation from a list of names by the State Resiliency Office Board, and, setting the duties and qualifications for such officer; providing that the State Resiliency officer and his or her deputy must have complimentary work experience; specifying the areas in which the State Resiliency Office Board shall be required to assist the State Resiliency Officer to fulfill the missions of that office, and specifying the areas where that body shall assist the State Resiliency Officer to devise plans and develop procedures; providing for certain exemptions from the Public Meetings Act and Freedom of Information Act for meetings of and materials presented to the Board; delineating the authority of the State Resiliency Office and the State Resiliency Officer in carrying out their missions; providing the State Resiliency Officer shall report at least quarterly to the Joint Legislative Committee on Flooding; granting the State Resiliency Officer authority to hire employees for the office; providing that such employees are at-will, may participate in state insurance and other programs, and, if entrusted with state funds, shall execute surety bonds; providing that the State Resiliency Officer shall set employee salary rates; creating the state Office of the National Flood Insurance Program in the Office of the Insurance Commissioner; requiring a coordinator to administer such program; providing that state owned property in any non-participating community shall be governed by appropriate rules promulgated by the Insurance Commissioner; requiring the coordinator and floodplain managers to develop a strategic plan to meet goals and objectives, which plan shall be reviewed by and must be approved by the State Resiliency Officer and State Resiliency Office Board; requiring the coordinator to establish and enforce flood plain management regulations in special hazard areas which are in conformity with Federal laws and regulations; and which are in conformity with Federal laws and regulations; and providing the coordinator of the state office of the National Flood Insurance Program shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties,”

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. 4396, Relating to reporting suspected governmental fraud,

And,

H. B. 4760, Modifying video lottery retailer licensing eligibility requirements,

And reports the same back with the recommendation that they 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. 4354, Adding nabiximols to the permitted list of distributed and prescribed drugs,

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. 4872, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse,

And reports the same back with the recommendation that they 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. 2088, Relating to admissibility of certain evidence in a civil action for damages,

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

Com. Sub. for H. B. 2088 - "A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended, relating to admissibility of certain evidence in a civil action for damages; and allowing the admission of the use or nonuse of a safety belt on the issues of negligence, contributory negligence, comparative negligence and failure to mitigate damages; requiring a causal relationship between the use or nonuse of a safety belt and the alleged injuries or death; providing that evidence of use or nonuse of a safety belt may be admitted in specified circumstances related to a claim involving ejection from the vehicle, a product liability claim, injuries causing death, and, where medical expenses exceed \$50,000; providing disclosure requirements for medical expense evidence; establishing that defenses related to use or nonuse of a safety belt be raised timely, with designated specificity and in accordance with trial rules of procedure; requiring expert testimony in certain circumstances; providing for a hearing related to evidence; and establishing that any finding by the court is limited to the admissibility of evidence,"

H. B. 4377, The Protection of Vulnerable Adults from Financial Exploitation Act,

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

Com. Sub. for H. B. 4377 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §32-6-601, §32-6-602, §32-6-603, §32-6-604, §32-6-605, §32-6-606, §32-6-607, §32-6-608, §32-6-609 and §32-6-610, all relating to the creation of The Protection of Eligible Adults From Financial Exploitation; defining terms; establishing the obligations and duties of broker-dealers and investment advisers to notify certain agencies of potential financial

exploitation; permitting broker-dealers and investment advisers to delay a disbursement when financial exploitation is suspected; requiring the retention of records; and providing immunity from administrative and civil liability”,

H. B. 4433, Relating to deeds of trust,

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

Com. Sub. for H. B. 4433 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §38-1-2a, all relating to deeds of trust; establishing rules of construction for deeds of trust; establishing certain rights, duties and obligations of parties to a deed of trust; and setting forth exceptions to rules of construction,”

And,

H. B. 4853, Relating to a customer constructing a connection or other infrastructure necessary for the customer to connect to the public utility,

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

Com. Sub. for H. B. 4853 - “A Bill to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting a public service district or municipality that owns or operates a water or sewer public utility from prohibiting a customer from constructing, installing, or maintaining a connection or other infrastructure necessary for the customer to connect to the public utility to receive service; and providing for requirements and conditions for the same,”

With the recommendation that the committee substitutes each do pass.

On motion for leave, a resolution was introduced (Originating in the Committee on Education and reported with the recommendation that it be adopted), which was read by its title, as follows:

By Delegates Ellington, Higginbotham, Hanna and Campbell:

H. C. R. 102 - “Requiring the development of funding formulas for West Virginia’s public institutions of higher education, both baccalaureate institutions and community and technical colleges, by the start of the Regular Session of the 2021 Legislature.”

Whereas, the State of West Virginia traditionally has relied upon re-appropriation of the previous year’s base budgets for determining the funding level for the State’s public institutions of higher education; and

Whereas, the “Resource Allocation Model” and full-time equivalent enrollment basis for funding no longer provide the needed direction to the Legislature to appropriate funds that adequately support students and public institutions of higher education; and

Whereas, in 2017 the Legislature directed the West Virginia Higher Education Policy Commission (Commission) to research and present information about ways to more equitably fund the state’s colleges and universities; and

Whereas, the majority of states have implemented outcomes-based funding models to help determine the funding level for their public institutions of higher education; and

Whereas, effective outcomes-based funding models reward institutions for meeting a state’s higher education goals, including the West Virginia Climb Initiative that seeks to equip 60 percent of working-

aged West Virginians with a postsecondary credential by 2030, while also supporting individual institutional missions; and

Whereas, the presidents of West Virginia's 10 public baccalaureate institutions of higher education have committed to work together, and with the Commission, to develop a funding formula for their institutions that would allow them to be rewarded for meeting objectives that reflect their established institutional missions and progress toward the state's college attainment goal; and

Whereas, the presidents of West Virginia's nine public community and technical colleges have committed to work together, and with the West Virginia Council for Community and Technical College Education (Council), to achieve the same goal for their institutions; and

Whereas, all 10 public baccalaureate institutions, in conjunction with the Commission, and all 9 community and technical colleges, in conjunction with the Council, have agreed to collaborate to develop state appropriation funding models for each system of institutions by October 31, 2020; and

Whereas, the West Virginia Legislature fully supports and strongly encourages this endeavor; therefore, be it

Resolved by the Legislature of West Virginia:

That the Commission, the Council, and West Virginia's public colleges and universities shall work collaboratively to develop a funding model for the state's baccalaureate institutions and a funding model for the state's community and technical colleges by October 31, 2020, so that such proposals can be presented by the Commission and the Council to the Legislature in time for its regular session of 2021; and, be it

Further Resolved,

That the Commission and the Council shall engage with the four-year institutions and the community and technical colleges to seek to build consensus on the formulas and methodologies underlying any recommended funding models for the respective institutions.

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

Your Committee on Education has had under consideration:

H. B. 4780, Permitting a school-based decision-making council to offer elective courses of instruction on the Bible,

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

Com. Sub. for H. B. 4780 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9a, relating to allowing county boards of education to offer students in grade nine or above an elective social studies course on Hebrew Scriptures, Old Testament of the Bible, New Testament of the Bible, or Hebrew Scriptures and New Testament of the Bible; setting forth the purposes of the course; permitting students to use a translation of their choice; requiring county board of education to submit to the West Virginia Department of Education the course standards, including the teacher qualifications and required professional development; and imposing requirements applicable to the course, the county board of education, and the State Board of Education,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

H. B. 4421, Natural Gas Liquids Economic Development Act,

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

Com. Sub. for H. B. 4421 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2J-1 and §5B-2J-2; and to amend said code by adding thereto a new article, designated §11-13FF-1, §11-13FF-2, §11-13FF-3, §11-13FF-4, §11-13FF-5, §11-13FF-6, §11-13FF-7, §11-13FF-8, §11-13FF-9, and §11-13FF-10, all relating to the creation of the Natural Gas Liquids Economic Development Act and the West Virginia Natural Gas Liquids Property Tax Adjustment Act; providing for short titles; making legislative findings and declarations; defining terms; creating a tax credit for eligible taxpayers who are in business for the transportation and storage of natural gas liquids; establishing eligibility requirements; defining the amount of the tax credit as being the amount paid yearly in West Virginia ad valorem property tax on inventory and equipment by an eligible taxpayer; providing for the application of the tax credit against personal income tax liability or the corporate net income tax liability; providing for the carrying forward of the tax credits; defining the tax credits' relationship to other available tax credits; providing for the expiration of unused tax credits; providing for annual schedules to be filed to claim the tax credit; providing for successors and transfers of the tax credit under certain conditions; providing for recapture of tax credits, interest, civil penalties, and additional taxes under certain conditions when a tax payer improperly claims a tax credit; providing a statute of limitations regarding tax filings with the tax credit; providing for reporting to the Legislature on the tax credits applied; authorizing the Tax Commissioner to promulgate rules; and providing for an effective date and an expiration date,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

H. B. 4409, Relating to transferring remaining funds from the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund,

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

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

Your Committee on Finance has had under consideration:

H. B. 4859, Accounting for state funds distributed to volunteer and part-volunteer fire companies and departments,

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

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

Your Committee on Finance has had under consideration:

H. B. 2149, Relating to the Farm-To-Food Bank Tax Credit,

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

Com. Sub. for H. B. 2149 – “A Bill to amend and reenact §11-13DD-3 of the Code of West Virginia, 1931, as amended, relating to the Farm-To-Food Bank Tax Credit; and allowing the credit to equal 30 percent of the value of the donated edible agricultural products when the value is \$2,500 or less,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

H. B. 4019, Downstream Natural Gas Manufacturing Investment Tax Credit Act of 2020,

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

Com. Sub. for H. B. 4019 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13FF-1, §11-13FF-2, §11-13FF-3, §11-13FF-4, §11-13FF-5, §11-13FF-6, §11-13FF-7, §11-13FF-8, §11-13FF-9, §11-13FF-10, §11-13FF-11, §11-13FF-12, §11-13FF-13, §11-13FF-14, §11-13FF-15, §11-13FF-16, §11-13FF-17, §11-13FF-18, §11-13FF-19, and §11-13FF-20, all relating generally to creating the Downstream Natural Gas Manufacturing Investment Tax Credit Act of 2020; providing for administration and enforcement of act; providing a short title; making legislative findings; stating legislative purpose; defining terms; specifying an amount of credit allowable based on amount of qualified investment and the number of new jobs created; providing limitations and conditions for qualification and use; defining in service or use; providing for the application of the credit to the corporate net income tax and the personal income tax, as appropriate; providing for methods of calculation of the qualified investment; providing for determination and certification of the number of new jobs; providing for carry over and forfeiture of unused tax credits and redetermination of tax credits under certain circumstances; providing limitations for credits being carried over; providing for full recapture and partial recapture of credit under certain circumstances and imposing a recapture tax; allowing transfer of qualified investment property without forfeiture or recapture under certain circumstances; requiring identification of qualified investment property and record keeping; providing penalties for failure to keep required records; providing for interpretation and construction of credit; requiring timely filing of application for credit; specifying burden of proof; requiring periodic tax credit review and accountability reports; authorizing rulemaking; making credit subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; providing for severability; and specifying effective date,”

And,

H. B. 4558, Creating a personal income tax credit for volunteer firefighters in West Virginia,

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

Com. Sub. for H. B. 4558 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13FF-1, §11-13FF-2, §11-13FF-3, §11-13FF-4, §11-13FF-5, §11-13FF-6 and §11-13FF-7, all relating generally to creating a personal income tax credit for volunteer firefighters in West Virginia; providing definitions; providing nonrefundable tax credit for a volunteer firefighter against personal income tax in a taxable year; providing for a tax credit limitation of \$1,000 for a single person; providing for a tax credit limitation of \$2,000 for persons filing tax returns jointly under certain conditions; providing that the tax credit for volunteer firefighters must be used in the taxable year and cannot be carried forward; providing for documentation of eligibility for the tax credit; providing requirements for the documentation evidencing eligibility for the tax credit; providing that documentation must be sent to the Tax Commissioner; providing for rule-making authority; providing for reporting at certain time; and providing an effective date,"

With the recommendation that the committee substitutes each do pass.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced concurrence by the Senate in the amendment of the House of Delegates to the amendment of the Senate, and the passage, as amended, of

H. B. 4007, Born-Alive Abortion Survivors Protection Act.

A message from the Senate, by

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

Com. Sub. for H. B. 4026, Exempting businesses transporting scrap tires, waste tires, or other used tires, from certain statutory provisions.

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

On page three, section three, line sixty-seven, by striking out the word "and" and inserting in lieu thereof the word "or".

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. 244**), and there were—yeas 90, nays 9, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Cadle, Fleischauer, Fluharty, Hanna, C. Martin, P. Martin, Pushkin, Rowe and Walker.

Absent and Not Voting: Rodighiero.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4026) passed.

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

A message from the Senate, by

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

Com. Sub. for S. B. 6 - "A Bill to amend and reenact §17C-17-11 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of the Division of Highways to issue permits for certain tractors with certain trailers that do not exceed specified maximum axle weights"; 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, to take effect from passage and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 204 - "A Bill to amend and reenact §3-1-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-10-8 of said code, all relating to providing for the nonpartisan elections of county prosecuting attorneys; requiring that nonpartisan elections of prosecuting attorneys commence in 2024; requiring a runoff election be held concurrently with the general election between the two highest vote getters in the nonpartisan election if no candidate receives a majority of votes cast; and providing that after that, appointments to fill vacancies in office shall be nonpartisan"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

S. B. 620, Authorizing Division of Corrections and Rehabilitation approve home plans for inmates.

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. 652 - "A Bill to amend and reenact §18-9D-21 of the Code of West Virginia, 1931, as amended, relating to authorizing the School Building Authority to promulgate legislative rules; and authorizing School Building Authority rule relating to School Build Authority contracts and agreements, post-project evaluation, and suspension of right to bid"; which was referred to the Committee on Education.

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. 655 - "A Bill to amend and reenact §11-1C-10 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-1C-10a; to amend and reenact §11-3-24 and §11-3-25 of said code; and to amend reenact §11-10A-8 of said code, all relating to the valuation of natural resources property; providing an alternate method of appeal of proposed valuation natural resources property for ad valorem property tax purposes; and providing for the confidentiality of annual industry operating expenses survey information used for property tax purposes"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 686 - "A Bill to amend and reenact §24A-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §24A-2-5 of said code; and to amend and reenact §24A-3-2 and §24A-3-3 of said code, all relating to authorizing use of an emergency substitute motor carrier when certificate of necessity and convenience or contract carrier permit is suspended; defining terms;

allowing emergency substitute carrier to operate as common carrier without certificate of necessity and convenience; authorizing Public Service Commission to suspend common carrier certificate of necessity and convenience and allow emergency service carrier to provide temporary replacement service; establishing procedure for seeking reinstatement of certificated service; prohibiting emergency service carrier from operating as a contract carrier except as authorized by Public Service Commission; allowing Public Service Commission to suspend contract carrier permit and authorize emergency substitute carrier to provide temporary replacement service; and establishing procedure for permit grantee to seek reinstatement of permit"; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2020, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 719 - "A Bill to amend and reenact §11-27-10a of the Code of West Virginia, 1931, as amended, relating to imposing a health care-related provider tax on certain health care organizations; and extending termination date"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 740 - "A Bill to amend and reenact §18-10L-5 of the Code of West Virginia, 1931, as amended, relating to clarifying authorized uses of the Ron Yost Personal Assistance Services Fund"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 747 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §16-1-20, relating to requiring the Bureau for Public Health to develop a Diabetes Action Plan"; 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

S. B. 748 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-59-1, §16-59-2, and §16-59-3, all relating to increasing awareness of palliative care services; defining terms; requiring the State Advisory Coalition on Palliative Care, in conjunction with the Bureau for Public Health, to develop education materials; and requiring the Office of Health Facilities Licensure and Certification to update and maintain database"; 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

S. B. 767 - "A Bill to repeal §16-5B-6a of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-5B-5a of said code, relating to the licensure of hospitals; allowing hospitals to use other accrediting organizations which have been approved by the Centers for Medicare and

Medicaid Services; and eliminating hospital board composition requirements”; which was referred to the Committee on Health and Human Resources.

Resolutions Introduced

Delegates Storch, Delegate Hanshaw, Mr. Speaker, Anderson, Howell, Kessinger and Summers offered the following resolution, which was reported by the Clerk:

H. R. 13 - “Calling upon the Attorney General to investigate the business practices of Alecto.”

Whereas West Virginia hospitals are critical to improve the health of citizens while providing a significant level of services and economic benefits to their communities;

Whereas, West Virginia hospitals also use their resources to reinvest in new models of care that go well beyond the traditional hospital walls, finding new ways to help improve the health of their communities from providing access to medical care for patients in rural areas to supporting cutting-edge medical research and innovations;

Whereas, Alecto Health Care Services (Alecto) purchased Ohio Valley Medical Center in 2017;

Whereas, When Alecto bought the hospital, it was part of a deliberate strategy to acquire facilities that were serving urgent needs to vulnerable populations. In a 2018 interview with Inside Healthcare magazine, Alecto founder Lex Reddy described the company’s modus operandi: “We often seek out communities that are underserved.” Alecto found “50 community-based hospitals that are critical to those communities and sustain them,” Reddy said. The hospitals serve “a lot of Medicaid and uninsured patients in its communities”;

Whereas, While Alecto took the financial “risks,” the public was largely left to foot the bills. With Alecto’s purchase of OVMC, the city of Wheeling agreed to pay \$1.5 million for capital repairs and provide another \$1.5 million to demolish old buildings on the properties;

Whereas, Alecto abruptly closed the Ohio Valley Medical Center September 3, 2019, leaving its employees and community fragmented;

Whereas Alecto purchased Fairmont General Hospital in June 2014 for \$15.3 million after this hospital when into bankruptcy with intentions of serving urgent needs to rural populations;

Whereas When Alecto demonstrated an interest in purchasing the assets of Fairmont General and taking over the operations of the hospital, it made a number of promises — and one of those was to continue with community-based health care in the Marion County region;

Whereas, Alecto projected the hospital’s bottom line will improve from a \$733,032 deficit during the first six months of 2014 to an \$8.2 million profit in 2017, according to certificate of need documents filed with the West Virginia Health Care Authority;

Whereas, Alecto abruptly announced the closure of Fairmont Regional Medical Center on February 18, 2020, when some 600 physicians, nurses and other personnel were greeted with letters saying the hospital would be closing in 60 days;

Whereas, Multiple solutions have been offered to assist Alecto which have fallen on deaf ears and cold hearts;

Whereas, the Attorney General serves as the chief legal officer for the State of West Virginia and speaks for the legal interests of the state.

Whereas, the Attorney General also is entrusted with enforcing the laws of the State as they related to consumer protection, unfair trade practices, civil rights, and other important areas.

Resolved by the House of Delegates:

That the House of Delegates calls upon the Attorney General to immediately investigate the business practices of Alecto and determine whether it has violated state laws.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 13) to a committee was dispensed with, and it was taken up for immediate consideration, and then read by the Clerk.

The question being on the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 245**), and there were—yeas 95, nays four, absent and not voting one, with the absent and not voting being as follows:

Absent and Not Voting: Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 13) adopted.

Delegates Graves, Higginbotham, Caputo, Ellington, Bartlett, Nelson, Sypolt, Pack, Barnhart, Storch and Hanna offered the following resolution, which was read by its title and referred to the Committee on Government Organization then Rules:

H. C. R. 100 - "Requesting the Joint Standing Committee on Government and Finance study existing policies and programs available to assist working age individuals with disabilities in finding and maintaining employment in the general workforce, and whether an Employment First Policy would benefit the state by aligning available employment resources for these individuals."

Whereas, According to the West Virginia Development Disability Council, 38 states have the Employment First Policy to address the lack of participation in the workforce by people with disabilities. Recent data shows that, in the United States, 37 percent of individuals with disabilities participate in the workforce, compared to 77 percent of those without disabilities;

Whereas, Among all states, West Virginia ranked last in the percentage of individuals with disabilities employed at 26 percent and is also last in terms of individuals with cognitive disabilities employed, at 19 percent;

Whereas, The end result of this data is that too many West Virginians with disabilities are living lives of poverty, highly dependent on public benefits, which impacts the quality of not only their own lives but the lives of their families, and the communities they live in;

Whereas, The West Virginia Bureau for Behavioral Health has reported that 65 percent of individuals are served in facility-based and non-working settings, while only 18 percent of funding is going toward integrated employment;

Whereas, Individuals with disabilities represent a major untapped labor force that can meet the needs of employers and businesses, and these individuals have the right to pursue the full range of available employment opportunities, and to earn a living wage in a job of their choosing, based on their talents, skills, and interests;

Whereas, We have the benefit of incredible advancements in the knowledge and understanding of how even those with significant disabilities can become successfully employed, and, with the right job match and the right supports, individuals who were previously considered unemployable can be successful additions to the workplace;

Whereas, An Employment First Policy recognizes that employment in the general workforce is the first and preferred outcome in the provision of publicly funded services for working age individuals with disabilities. The policy could help West Virginia make a systematic effort to include individuals with disabilities in the workforce and align resources to support these individuals. Examples of supports include accommodations and assistive technology, assistance with managing the impact of earnings on public benefits, and assistance with transportation;

Whereas, An Employment First Policy prioritizes competitive integrated employment for those with disabilities who need some type of publicly funded supports, but other services, such as nonwork day programs, could also be available;

Whereas, Implementation of Employment First principles should be based on clear public policies and practices that ensure the employment of individuals with disabilities within the general workforce is a priority for public funding and service delivery, and should incorporate existing programs and services in the state that benefit and support West Virginians with disabilities; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Standing Committee on Government and Finance is hereby requested to study West Virginia's existing policies and programs available to assist working age individuals with disabilities in finding and maintaining employment in the general workforce, and whether an Employment First Policy would benefit the state by aligning available employment resources for these individuals; and, be it

Further Resolved, That the Joint Standing Committee on 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 Standing Committee on Finance.

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

H. C. R. 101 - "Requesting the Division of Highways name a portion of West Virginia Route 4 in Clay County, three miles west of its junction with West Virginia Route 16, the 'Claude Markle Hill'."

Whereas, William Claude Markle, born 1882 and deceased in 1962, was a native Clay Countian and West Virginian; and

Whereas, Claude Markle was a noted road builder in Clay, Webster, Boone, and Kanawha counties throughout the early 20th century, having helped greatly improve the infrastructure of the entire state through his hard work; and

Whereas, Some of those projects include, but are not limited to, the intersection of U.S. 119/36/4; Clay Junction, Rt. 16 and Widen Ridge, and other bridges, tunnels, and culverts; and

Whereas, William Claude Markle also worked nationwide on the Alaskan Railroad, Hoover Dam, and in Death Valley, Nevada; and

Whereas, In addition to Mr. Markle having been a road pioneer, William Claude Markle served for seven years on the Clay County Circuit Court, including a term as president; and

Whereas, William Claude Markle was a 32nd Degree Mason and Shriner; and

Whereas, It is fitting that an enduring memorial be established to commemorate William Claude Markle and his contributions to our state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name a portion of West Virginia Route 4 in Clay County, three miles west of its junction with West Virginia Route 16, the "Claude Markle Hill"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the section of road as the "Claude Markle Hill"; 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.

Petitions

Delegate Hansen presented a petition calling for a legislative study of creating a state bank of West Virginia, for the purpose of investing in the people of West Virginia; which was referred to the Committee on Finance.

Motions

Delegate Robinson moved, under the provisions of House Rule 82, to discharge **H. B. 4418**, Relating to the Ryan Brown Fund, from the Committee on Finance.

On motion of Delegate Summers, the motion to discharge was laid upon the table.

Special Calendar

Third Reading

Com. Sub. for S. B. 209, Relating to annexation by minor boundary adjustment; 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. 246**), and there were—yeas 94, nays 5, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Doyle, Fleischauer, Kump, Paynter and Pushkin.

Absent and Not Voting: Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 209) passed.

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

On this question, the yeas and nays were taken (**Roll No. 247**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Kump and Paynter.

Absent and Not Voting: Rodighiero.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 209) takes effect from its passage.

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

Com. Sub. for S. B. 339, Authorizing DHHR promulgate legislative rules; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 248**), and there were—yeas 93, nays 6, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bartlett, Fast, Jennings, P. Martin, Paynter and Porterfield.

Absent and Not Voting: Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 339) passed.

An amendment to the title of the bill, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the title to read as follows:

Com. Sub. for S. B. 339 – “A Bill to amend and reenact §64-5-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules; authorizing the rules as filed, as modified by the Legislative Rule-Making Review Committee, and as amended by the Legislature; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to fees for permits; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to vital statistics; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to primary care support program; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to primary care seed money grants; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—general provisions; authorizing the Department of Health and Human Resources

to promulgate a legislative rule relating to medical cannabis program—grower/processors; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—laboratories; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—dispensaries; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—safe harbor letter; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the collection and exchange of data related to overdoses; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults in West Virginia; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to qualifications for a provisional license to practice as a social worker within the Department of Health and Human Resources; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pilot program for drug screening of applicants for cash assistance; and authorizing the Health Care Authority to promulgate a legislative rule relating to critical access hospitals.”

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

On this question, the yeas and nays were taken (**Roll No. 249**), and there were—yeas 94, nays 5, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fast, Jennings, P. Martin, Paynter and Porterfield.

Absent and Not Voting: Rodighiero.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 339) takes effect from its passage.

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

Com. Sub. for H. B. 4001, Creating West Virginia Impact Fund; on second reading, coming up in regular order, with an amendment pending and the general right to amend, was reported by the Clerk.

On motion of Delegate Summers, the bill was postponed one day.

Com. Sub. for H. B. 4015, Relating to Broadband Enhancement and Expansion; 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. 250**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Steele.

Absent and Not Voting: Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4015) 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. 4039, Providing limitations on nuisance actions against fire department and emergency medical services; 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. 251**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Caputo and Longstreth.

Absent and Not Voting: Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4039) 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. 4155, Relating generally to the regulation of plumbers; 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. 4422, The Patient Brokering 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. 252**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4422) 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. 4514, Permitting the use of leashed dogs to track mortally wounded deer or bear; 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. 253**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Dean and Paynter.

Absent and Not Voting: Anderson, Caputo and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4514) passed.

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

H. B. 4514 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §20-2-5j; and to amend and reenact §20-2-16 and §20-2-22a of said code, all relating to hunting; permitting the use of leashed dogs to track mortally wounded deer or bear; permitting a hunter to use a dog handler of leashed dogs to track and locate mortally wounded deer or bear; requiring a hunter or dog handler to maintain physical control of a leashed dog used to track and locate mortally wounded deer or bear; requiring a hunter who uses a dog handler to accompany the dog handler; providing that only a hunter may kill a mortally wounded deer or bear; requiring a dog handler providing tracking services for profit to be licensed as an outfitter or guide; prohibiting the use of dogs to hunt or chase deer; and setting forth how dogs caught chasing deer are to be handled."

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

H. B. 4529, Relating to the collection of assessments and the priority of liens on property within a resort area; 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. 254**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Anderson, Caputo, Rodighiero and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4529) 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. 4589, Conducting study for an appropriate memorial for West Virginians killed in the War on Terror; 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. 255**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Anderson, Caputo, Rodighiero and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4589) 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. 4593, Authorizing the assignment of poll workers to serve more than one precinct under certain circumstances; on third reading, coming up in regular order, was read a third time.

Delegate Espinosa requested to be excused from voting on Com. Sub. for H. B. 4593 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 256**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Anderson, Caputo, Hicks, Rodighiero and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4593) 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. 4594, Allowing poll workers to be appointed to work in precincts outside their county; on third reading, coming up in regular order, was read a third time.

Delegate Espinosa requested to be excused from voting on Com. Sub. for H. B. 4594 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 257**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Anderson, Caputo, Rodighiero and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4594) 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. 4697, Removing the restriction that a mini-distillery use raw agricultural products originating on the same premises; 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. 258**), and there were—yeas 85, nays 10, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Barnhart, Bartlett, Butler, Fast, D. Jeffries, Jennings, Mandt, Phillips, Porterfield and Worrell.

Absent and Not Voting: Anderson, Caputo, Rodighiero, Summers and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4697) 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. 4747, Extending electronic submission of various applications and forms for nonprofit and charitable organizations, professionals and licensees; 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. 259**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Anderson, Caputo, Rodighiero and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4747) 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. 4749, Providing more efficient application processes for private investigators, security guards, and firms; 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. 260**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Anderson, Caputo, Rodighiero and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4749) 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. 4777, Relating to the right of disposition of remains; 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. 261**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Anderson, Caputo, Rodighiero and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4777) 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. 4864, Relating to performance reviews of state agencies and regulatory boards; 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. 262**), and there were—yeas 65, nays 31, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Bates, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Miley, Miller, Pushkin, Pyles, Robinson, Rowe, Skaff, Sponaugle, Staggers, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Anderson, Caputo, Rodighiero and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4864) 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. 4865, Requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures; 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. 263**), and there were—yeas 92, nays 4, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Fleischauer, Fluharty, Pushkin and Rowe.

Absent and Not Voting: Anderson, Caputo, Rodighiero and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4865) 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. 4956, Relating generally to the partition of real 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. 264**), and there were—yeas 85, nays 11, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Capito, Foster, Graves, Hicks, Kessinger, Porterfield, Sponaugle, Steele, C. Thompson, Waxman and Wilson.

Absent and Not Voting: Anderson, Caputo, Rodighiero and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4956) 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. 573, Supplementing, amending, and increasing appropriations of public moneys for claims against state; on second reading, coming up in regular order, was read a second time and ordered to third reading,

Com. Sub. for S. B. 623, Allowing noncitizen of US be eligible for teaching certificate; on second reading, coming up in regular order, was read a second time and ordered to third reading,

Com. Sub. for H. B. 2321, Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder; on second reading, coming up in regular order, was read a second time.

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

Com. Sub. for H. B. 3098, Allowing the same business owner to brew and sell beer to also distill and sell liquor; 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. 4363, Establishing the West Virginia Division of Natural Resources Police Officer Retirement System; 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. 4408, Requiring the State Board of Education to develop and implement an online database for the employment of school principals; 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. 4452, Modifying the notice requirements for the redemption of delinquent properties; 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. 4474, Relating to peer-to-peer car sharing programs; 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. 4522, Allowing division to accept documents compliant with Real ID Act for proof of identity; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4523, Removing the limitation of number of apprentice hunting and trapping licenses a person may purchase; 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. 4557, Relating to centers and institutions that provide the care and treatment of mentally ill or intellectually disabled individuals; 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. 4634, Southern West Virginia Lake Development Study Commission Act; on second reading, coming up in regular order, was read a second time.

Delegate Waxman moved to amend the bill on page three, section three, line seventeen, after the period, by inserting the following:

“The two research groups shall also investigate the economic growth potential that could result from the formation of one or more Prosperity Districts in the southern coal field counties based on the Compact for America Prosperity State Initiative.”

And,

On page three, section three, line twenty-one, after the period, by inserting the following:

“The studies conducted pursuant to this section shall also examine how the formation of one or more Prosperity Districts could facilitate economic growth in the southern coal field counties, and shall at a minimum address tax, regulatory and property rights issues.”

Delegate Evans arose to a point of order as to the germaneness of the amendment.

The Speaker ruled that the amendment was not germane to the purpose of the bill and the Gentleman’s point of order was well taken.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4645, Establishing the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

H. B. 4737, Clarifying student eligibility for state-sponsored financial aid; 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. 4820, Relating to inventory of firearms owned by state agencies; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Howell, the bill was amended on page forty-nine, section seven, line one hundred fifty-nine, after the word “hunts”, by striking out the word “and” and inserting a new subdivision (31) to read as follows:

“(31) Exempt designated sections within the Division of Natural Resources from the requirement that all payments must be deposited in a bank within 24 hours for amounts less than \$500 notwithstanding any other provisions of this code to the contrary: *Provided*, That such designated sections shall make a deposit in any amount no less than every seven working days; and”.

And by renumbering the remaining subdivision accordingly.

On motion of Delegate Howell, the bill was then amended on page fifty, section one, after line one hundred sixty-three, by inserting a new subdivision (32) to read as follows:

“(32) Cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties.”

The bill was then ordered to engrossment and third reading.

First Reading

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

Com. Sub. for S. B. 657, Allowing designation of tourism development districts,

Com. Sub. for H. B. 3127, Relating to the Secondary School Activities Commission and participation by home schooled students,

Com. Sub. for H. B. 4009, Relating to the process for involuntary hospitalization,

Com. Sub. for H. B. 4252, Authorizing miscellaneous agencies and boards to promulgate legislative rules,

Com. Sub. for H. B. 4388, Limiting the Alcohol Beverage Control Commissioner's authority to restrict advertising,

Com. Sub. for H. B. 4530, Authorizing daily passenger rental car companies to charge reasonable administrative fees,

Com. Sub. for H. B. 4613, Allowing the Division of Highways use money in the Gas Field Highway Repair and Horizontal Drilling Waste Study Fund,

Com. Sub. for H. B. 4626, West Virginia Development Achievements Transparency Act,

Com. Sub. for H. B. 4668, Creating the misdemeanor crime of trespass for entering a structure that has been condemned,

And,

Com. Sub. for H. B. 4748, Relating to the increase of fees that private nongovernment notary publics may charge for notarial acts.

Leaves of Absence

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

Delegate Robinson moved, that the motion to discharge **H. B. 4418**, Relating to the Ryan Brown Fund, be taken from the table.

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

The yeas and nays having been ordered, they were (**Roll No. 265**), and there were—yeas 37, nays 57, absent and not voting 6, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hartman, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rohrbach, Rowe, Skaff, Sponaule, Staggers, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Anderson, Caputo, Evans, Rodighiero, Summers and Swartzmiller.

So, a majority of the members present and voting not having voted in the affirmative, the motion to take the discharge motion from the table did not prevail.

Miscellaneous Business

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

- Delegate Zukoff during Remarks by Members
- Delegate C. Thompson during Remarks by Members

- Delegate Hansen during Remarks by Members
- Delegate Robinson during Remarks by Members
- Delegate Hornbuckle during Remarks by Members

In the absence of objection, the following Delegates were added as cosponsors of H. R. 13:

Delegates Angelucci, Azinger, Barrett, Bates, S. Brown, Capito, Caputo, Cowles, Diserio, Espinosa, Fast, Fleischauer, Fluharty, Hamrick, Hardy, Hartman, Hicks, Higginbotham, Hott, D. Kelly, Mandt, P. Martin, Miley, Miller, Nelson, Longstreth, Pack, Pethtel, Porterfield, Pushkin, Pyles, Queen, Robinson, Rohrbach, Rowan, Shott, Staggers, Sypolt, C. Thompson, Tomblin, Walker, Westfall, and Zukoff.

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

- Delegate Espinosa and Summers for H. B. 4899
- Delegate Porterfield for H. B. 4464, H. B. 4495 and H. B. 4791
- Delegate R. Thompson for H. B. 4705
- Delegate Steele for H. B. 4770
- Delegate Hanshaw (Mr. Speaker) for H. B. 4535

At 1:52 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 21, 2020.

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

SPECIAL CALENDAR

Friday, February 21, 2020

45th Day

11:00 A. M.

UNFINISHED BUSINESS

H. C. R. 102 - Requiring the development of funding formulas for West Virginia's public institutions of higher education

THIRD READING

S. B. 573 - Supplementing, amending, and increasing appropriations of public moneys for claims against state (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

Com. Sub. for S. B. 623 - Allowing noncitizen of US be eligible for teaching certificate (ELLINGTON) (EFFECTIVE FROM PASSAGE)

Com. Sub. for H. B. 2321 - Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder (SHOTT) (REGULAR) [RIGHT TO AMEND]

Com. Sub. for H. B. 3098 - Allowing the same business owner to brew and sell beer to also distill and sell liquor (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. 4155 - Relating generally to the regulation of plumbers (HOWELL) (REGULAR)

Com. Sub. for H. B. 4363 - Establishing the West Virginia Division of Natural Resources Police Officer Retirement System (HOUSEHOLDER) (JULY 1, 2020)

Com. Sub. for H. B. 4408 - Requiring the State Board of Education to develop and implement an online database for the employment of school principals (ELLINGTON) (REGULAR)

Com. Sub. for H. B. 4452 - Modifying the notice requirements for the redemption of delinquent properties (SHOTT) (REGULAR)

Com. Sub. for H. B. 4474 - Relating to peer-to-peer car sharing programs (SHOTT) (REGULAR)

Com. Sub. for H. B. 4522 - Allowing division to accept documents compliant with Real ID Act for proof of identity (SHOTT) (REGULAR)

H. B. 4523 - Removing the limitation of number of apprentice hunting and trapping licenses a person may purchase (SHOTT) (REGULAR)

- Com. Sub. for H. B. 4557 - Relating to centers and institutions that provide the care and treatment of mentally ill or intellectually disabled individuals (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4634 - Southern West Virginia Lake Development Study Commission Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4645 - Establishing the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance (HOWELL) (REGULAR)
- H. B. 4737 - Clarifying student eligibility for state-sponsored financial aid (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4820 - Relating to inventory of firearms owned by state agencies (HOWELL) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 657 - Allowing designation of tourism development districts (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 3127 - Relating to the Secondary School Activities Commission and participation by home schooled students (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 4009 - Relating to the process for involuntary hospitalization (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4252 - Authorizing miscellaneous agencies and boards to promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4388 - Limiting the Alcohol Beverage Control Commissioner's authority to restrict advertising (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4530 - Authorizing daily passenger rental car companies to charge reasonable administrative fees (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4613 - Allowing the Division of Highways use money in the Gas Field Highway Repair and Horizontal Drilling Waste Study Fund (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4626 - West Virginia Development Achievements Transparency Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4668 - Creating the misdemeanor crime of trespass for entering a structure that has been condemned (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4748 - Relating to the increase of fees that private nongovernment notary publics may charge for notarial acts (SHOTT) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2088 - Relating to admissibility of certain evidence in a civil action for damages (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2149 - Relating to the Farm-To-Food Bank Tax Credit (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2646 - Providing a safe harbor for employers to correct underpayment or nonpayment of wages and benefits due to separated employees (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4019 - Downstream Natural Gas Manufacturing Investment Tax Credit Act of 2020 (HOUSEHOLDER) (REGULAR)
- H. B. 4354 - Adding nabiximols to the permitted list of distributed and prescribed drugs (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4360 - Exempting certain persons from heating, ventilating, and cooling system licensing requirements (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4377 - The Protection of Vulnerable Adults from Financial Exploitation Act (SHOTT) (REGULAR)
- H. B. 4396 - Relating to reporting suspected governmental fraud (SHOTT) (REGULAR)
- H. B. 4409 - Relating to transferring remaining funds from the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4421 - Natural Gas Liquids Economic Development Act (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4433 - Relating to deeds of trust (SHOTT) (REGULAR)
- H. B. 4447 - Creating the shared table initiative for senior citizens who suffer from food insecurity (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4464 - Relating to driving privileges and requirements for persons under the age of 18 (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4485 - Reorganizing and redesignating the Department of Military Affairs and Public Safety as the Department of Homeland Security (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4558 - Creating a personal income tax credit for volunteer firefighters in West Virginia (HOUSEHOLDER) (REGULAR)
- H. B. 4606 - Listing contractor classifications on a contractor license (HOWELL) (REGULAR)
- H. B. 4715 - Authorizing municipalities to take action to grant certain fire department employees limited power of arrest (SHOTT) (REGULAR)

- H. B. 4760 - Modifying video lottery retailer licensing eligibility requirements (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4780 - Permitting a school-based decision-making council to offer elective courses of instruction on the Bible (ELLINGTON) (REGULAR)
- H. B. 4797 - Authorizing municipalities to enact ordinances that allow the municipal court to place a structure, dwelling or building into receivership (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4803 - Relating to certification of electrical inspectors (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4823 - Developing a plan for periodic audits of the expenditure of the fees from the emergency 911 telephone system and wireless enhanced 911 (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4853 - Relating to a customer constructing a connection or other infrastructure necessary for the customer to connect to the public utility (SHOTT) (REGULAR)
- H. B. 4859 - Accounting for state funds distributed to volunteer and part-volunteer fire companies and departments (HOUSEHOLDER) (REGULAR)
- H. B. 4872 - Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse (SHOTT) (REGULAR)
- H. B. 4882 - Authorizing limited sampling and limited sale of wine for off-premises consumption to wineries not licensed in the state (HOWELL) (REGULAR)
- H. B. 4884 - Relating to a charitable or public service organization must submit a certifying statement attesting to its status (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4886 - Requiring the PSC and the DOH to submit reports concerning activity on the Coal Resource Transportation Road System (HOWELL) (REGULAR)
- H. B. 4887 - Relating to revocation, cancellation, or suspension of business registration certificates (HOWELL) (REGULAR)
- H. B. 4959 - Relating to clarifying the ability of the Economic Development Authority Board of Directors to enter into any contracts necessary to carry out its duties (HOWELL) (REGULAR)
- H. B. 4960 - Relating to exempting from licensure as an electrician (HOWELL) (REGULAR)

HOUSE CALENDAR

Friday, February 21, 2020

45th 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. 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. 4096 - Requiring candidates to live in the state or local election district for the office for which they are seeking (SHOTT) (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) (REGULAR)

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)

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)

FIRST READING

Com. Sub. for H. B. 4651 - Clarifying the powers and duties of the Division of Highways in acquiring property for state road purposes (SHOTT) (REGULAR)

WEST VIRGINIA HOUSE OF DELEGATES

FRIDAY, FEBRUARY 21, 2020

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON FINANCE
9:00 A.M. – ROOM 460 M**

**COMMITTEE ON THE JUDICIARY
9:00 A.M. – ROOM 410 M**

**COMMITTEE ON EDUCATION
9:00 A.M. – ROOM 434 M**

**COMMITTEE ON GOVERNMENT ORGANIZATION
9:00 A.M. – ROOM 215 E**

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

MONDAY, FEBRUARY 24, 2020

PUBLIC HEARING

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

**COM. SUB. FOR H. B. 4780, PERMITTING A SCHOOL-BASED DECISION-MAKING
COUNCIL TO OFFER ELECTIVE COURSES OF INSTRUCTION ON THE BIBLE.**

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