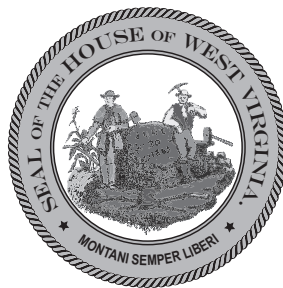


West Virginia Legislature

JOURNAL
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HOUSE of DELEGATES

Eighty-Fourth Legislature
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February 26, 2020

FIFTIETH DAY

Wednesday, February 26, 2020

FIFTIETH DAY

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

The House of Delegates met at 9:00 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 Tuesday, February 25, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for S. B. 554, Com. Sub. for S. B. 571, S. B. 725, S. B. 778, S. B. 779, S. B. 780, Com. Sub. for H. B. 4746, Com. Sub. for H. B. 4905, H. B. 4953, H. B. 4966 and H. B. 4970, on Third Reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 4558, on Third Reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

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

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

S. B. 51, Specifying forms of grandparent visitation,

And,

Com. Sub. for S. B. 308, Creating criminal penalties for violation of orders issued for protection of victims of financial exploitation,

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

In accordance with the former direction of the Speaker, the bills (S. B. 51 and Com. Sub. for S. B. 308) were each referred to the Committee on the Judiciary.

Delegate Capito, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 25th day of February, 2020, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for S. B. 16, Creating Protect Our Right to Unite Act,

Com. Sub. for S. B. 35, Limiting civil penalty for littering conviction to \$2,000,

S. B. 300, Updating certain terms in WV Corporation Net Income Tax Act,

S. B. 310, Updating certain terms used in WV Personal Income Tax Act,

S. B. 321, Relating to collection of tax and priority of distribution of estate or property in receivership,

And,

Com. Sub. for S. B. 676, Permitting fees from Child Abuse Registry be used for information technology support costs.

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 201, Relating generally to criminal offenses of stalking and harassment,

S. B. 610, Removing resident manager requirement for Alcohol Beverage Control Administration,

Com. Sub. for S. B. 625, Creating one-day annual license to permit charitable auction of sealed rare, antique, or vintage liquor bottles,

And,

S. B. 789, Repealing obsolete sections of WV Code relating to Legislature,

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

Messages from the Senate

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. 106 - "A Bill to amend and reenact §5-1-25 of the Code of West Virginia, 1931, as amended, relating to making daylight saving time the official time in West Virginia year round"; 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 July 1, 2020, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 213 - "A Bill to amend and reenact §44D-1-103, §44D-1-105, and §44D-1-108 of the Code of West Virginia, 1931, as amended; to amend and reenact §44D-6-603 of said code; to amend and reenact §44D-7-703 of said code; to amend and reenact §44D-8-808 of said code; and to amend said code by adding thereto a new article, designated §44D-8A-801, §44D-8A-802, §44D-8A-803, §44D-8A-804, §44D-8A-805, §44D-8A-806, §44D-8A-807, §44D-8A-808, §44D-

8A-809, §44D-8A-810, §44D-8A-811, §44D-8A-812, §44D-8A-813, §44D-8A-814, §44D-8A-815, §44D-8A-816, and §44D-8A-817, all relating to the administration of trusts; definitions; default and mandatory rules; principal place of administration; grantor's powers and powers of withdrawal; cotrustees; powers to direct; and enacting the West Virginia Uniform Directed Trust Act which specifies how trust directors can act concerning trusts in this state"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 246 - "A Bill to amend and reenact §51-9-1a, §51-9-5, §51-9-6b, and §51-9-6d of the Code of West Virginia, 1931, as amended, all relating to including family court judges in the retirement system for judges; and authorizing family court judges to participate in the retirement system for judges"; 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. 284 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4u; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend said code by adding thereto a new section, designated §33-24-7u; to amend said code by adding thereto a new section, designated §33-25-8r; to amend said code by adding thereto a new section, designated §33-25A-8u; to amend said code by adding thereto a new article, designated §33-53-1, §33-53-2, §33-53-3, §33-53-4, §33-53-5, §33-53-6, §33-53-7, §33-53-8, §33-53-9, §33-53-10, §33-53-11, and §33-53-12, all relating to establishing the West Virginia Health Care Continuity Act; making the act applicable to existing code; including provisions for the creation of a State Commission on Health Care Continuity when the act becomes effective; establishing the West Virginia Patient Protection Pool Risk-Sharing Program and review by the Joint Committee on Government and Finance; providing limitations on preexisting condition exclusions for health benefit plans; requiring rulemaking; requiring fairness in cost sharing and ratemaking; and including a conflict of laws provision"; 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, to take effect from passage and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 472 - "A Bill to amend and reenact §62-11A-1a of the Code of West Virginia, 1931, as amended, relating to inmate work generally; including persons convicted in municipal court of ordinance violations as eligible to participate in alternative work programs; specifying supervisory authority for municipally sentenced inmates; authorizing approved and sentenced inmates in the custody of the Commissioner of Corrections to work for municipal, county, and state agencies; providing for sentenced persons in jails and state correctional facilities to perform tasks such as cleaning streams, parks, streets, and highways for municipal and county governments and state agencies; and requiring the commissioner to approve the tasks"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 511 - “A Bill to amend and reenact §47-26-1, §47-26-2, and §47-26-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §47-26-2a and §47-26-4, all relating generally to the regulation of pawnbrokers; removing an exception for certain transactions from the report required of all pawnbrokers; requiring all pawnbrokers to be equipped with certain surveillance equipment and signage effective January 1, 2021; prohibiting pawnbrokers from doing business with certain persons; prohibiting pawnbrokers from purchasing certain items or transacting with certain items from anyone; creating misdemeanor offenses for certain violations; directing information to be provided to law enforcement; requiring provision of certain information to a third-party reporting database, and providing certain exceptions to those reporting requirements; and increasing the penalties for existing criminal offenses related to pawnbrokers”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 514 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-8G-1, §31A-8G-2, §31A-8G-3, §31A-8G-4, §31A-8G-5, §31A-8G-6, §31A-8G-7, and §31A-8G-8, all relating to the West Virginia FinTech Regulatory Sandbox Program; defining terms; establishing requirements for participants to temporarily test innovative financial products or services on a limited basis without first obtaining licensure pursuant to the laws of the state; establishing scope of the ability to operate without otherwise being licensed with respect to approved financial products or services; providing consumer protections; establishing time limitations on the ability to operate without otherwise being licensed with respect to approved financial products or services; providing program exit requirements; providing program extension; providing reporting requirements; defining terms; and providing for rulemaking”; 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 July 1, 2020, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 530 - “A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to taxation of aircraft; exempting from sales and service tax aircraft sold in this state and removed from the state within 60 days; and providing conditions of exemptions”; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 569 - “A Bill expiring funds to the balance of the Department of Health and Human Resources, Division of Human Services, Medical Services Program Fund, fund 5084, organization 0511, in the amount of \$3,000,000 from the Department of Administration, Premium Tax Savings Fund, fund 2367, fiscal year 2020, organization 0218; in the amount of \$2,000,000 from the Department of Health and Human Resources, Division of Health, Hospital Services Revenue Account Special Fund, Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2020, organization 0506; and in the amount of \$360,000 from the Department of Health and Human Resources, Division of Human Services, Marriage Education Fund, fund 5490, fiscal year 2020, organization 0511, by supplementing and amending chapter 31, Acts of the Legislature, regular session, 2019, known as the Budget Bill”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 570 - "A Bill expiring funds to the balance of the Department of Health and Human Resources, Division of Human Services, Medical Services Program Fund, fund 5084, organization 0511, in the amount of \$36,202,960, from the State Excess Lottery Revenue Fund, Division of Human Services, fund 5365, fiscal year 2020, organization 0511, by supplementing and amending chapter 31, Acts of the Legislature, regular session 2019, known as the Budget Bill"; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 614 - "A Bill to amend and reenact §18-5-48 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-20-11 of said code, all relating to giving county boards of education, during a specified time period, flexibility to spend the safe schools allocation at any school within the district requiring cameras in special education classrooms; requiring the West Virginia Department of Education, during a specified time period, to first allocate the funding appropriated for the Safe Schools Fund based on the remaining need for video cameras in each district; removing appropriation of funds by the Legislature as a prerequisite to the requirement for video cameras in self-contained classrooms; and clarifying that any available funds may be used to comply with the camera requirements"; 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. 633 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-28, relating generally to creating in the State Treasury a special account known as Medicaid Families First Reserve Fund; specifying moneys that may be deposited in fund; providing for expenditures from fund; and authorizing investments"; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect January 1, 2021, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 635 - "A Bill to repeal §44-1-28 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §44-1A-1, §44-1A-2, §44-1A-3, §44-1A-4, §44-1A-5, and §44-1A-6, all relating to allowing the administration of small estates containing under \$50,000 in personal property and under \$100,000 in real property by affidavit and without appointment of a personal representative; providing a mechanism for administration of a small estate upon affidavit and without appointment; detailing methods for payment or delivery of small assets to authorized successors; discharging and releasing payors; detailing treatment of real estate in a small estate; providing for the applicability of this article in relation to other sections of the West Virginia Code; providing an effective date; and allowing payment or delivery of small assets of a decedent to an authorized successor"; 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

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

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. 668 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §44D-8B-1, §44D-8B-2, §44D-8B-3, §44D-8B-4, §44D-8B-5, §44D-8B-6, §44D-8B-7, §44D-8B-8, §44D-8B-9, §44D-8B-10, §44D-8B-11, §44D-8B-12, §44D-8B-13, §44D-8B-14, §44D-8B-15, §44D-8B-16, §44D-8B-17, §44D-8B-18, §44D-8B-19, §44D-8B-20, §44D-8B-21, §44D-8B-22, §44D-8B-23, §44D-8B-24, §44D-8B-25, §44D-8B-26, §44D-8B-27, §44D-8B-28, §44D-8B-29, §44D-8B-30, and §44D-8B-31, all relating to enactment of the Uniform Trust Decanting Act to allow a trustee to distribute assets of one trust into another trust; providing a short title; defining terms; setting forth the scope of the act; setting forth a fiduciary’s duty and the fiduciary’s authority to exercise the decanting power; setting forth those trusts to which the act applies; providing for actions or failure to act as a result of reasonable reliance; requiring fiduciary to give notice containing specified information to certain persons before exercising decanting power; providing for notice to representatives and consent of or waiver by a representative; providing for court involvement upon application by a fiduciary or other specified persons; specifying actions which the court may take; requiring a signed record of any exercise of the decanting power; providing for fiduciary’s decanting power under expanded distributive discretion and setting forth restrictions on a second trust; providing for fiduciary’s decanting power under expanded limited distributive discretion; providing when a special-needs fiduciary may exercise the decanting power for a beneficiary with a disability; requiring fiduciary to protect charitable interests; setting forth first trust limitations which affect decanting; setting forth limitations on a change in a fiduciary’s compensation; providing for relief from liability and indemnification of the fiduciary in the second trust instrument; providing for the removal or replacement of an authorized fiduciary through exercise of the decanting power; setting forth tax-related limitations; providing for the duration of the second trust; providing that distribution is not required; setting forth saving provision where second trust does not comply with the act; setting forth requirements regarding a trust for the care of an animal; providing for second trust terms; providing grantor of the first trust is a grantor of the second trust; providing for later-discovered property; providing that obligations of the first trust are obligations of the second trust; providing that application and construction of the act is to be uniform; relating to application of federal act to electronic signatures; and providing for severability and an effective date”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 729 - “A Bill to amend and reenact §7-14D-14 of the Code of West Virginia, 1931, as amended, relating to awards and benefits for disability under the Deputy Sheriff Retirement Act”; 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. 749 - “A Bill to amend and reenact §61-12A-2 and §61-12A-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-12A-5, all relating to requiring the Bureau for Public Health to submit its maternal mortality data to the Centers for Disease Control and Prevention for data aggregation; permitting peer

review report to be made to birth hospital; requiring Infant and Mortality Review Panel to annually analyze factors impacting maternal and infant mortality and prepare report; and requiring the Bureau for Public Health to perform multi-year analysis to recommend system change to reduce maternal and infant deaths”; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

Com. Sub. for S. B. 760 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1-1f; to amend and reenact §18B-1-2 of said code; to amend and reenact §18B-1B-4 and §18B-1B-6 of said code; to amend and reenact §18B-1D-7 of said code; and to amend and reenact §18B-19-4 of said code, all relating to higher education; providing findings; defining terms; allowing any state college and university to apply to the Higher Education Policy Commission for designation as an administratively exempted school; requiring Higher Education Policy Commission to propose rules for legislative approval that address loss of an administratively exempted designation; setting forth specific exemptions for a college and university designated as an administratively exempted school; requiring Higher Education Policy Commission report to the Legislative Oversight Commission on Education Accountability certain information pertaining to the administratively exempted schools eligibility criteria; updating institution names; referring to exempted schools as statutorily exempted schools; removing obsolete language; updating code to reflect removal of statewide master plan and compact requirements by prior legislation; removing requirement for Higher Education Policy Commission to advise and confirm in the appointment of presidents of the institutions of higher education under its jurisdiction; amending the powers and duties of the Higher Education Policy Commission, consistent with the specific exemptions provided for administratively exempted schools; clarifying that Higher Education Policy Commission can use certain appropriated incentive funds to influence behavior of statutorily and administratively exempted schools; amending requirements pertaining to the required report to the Joint Committee on Government and Finance and the Legislative Oversight Commission on Education Accountability that includes a recommendation for the allocation of general revenue to be appropriated to the institutions; removing requirement for Higher Education Policy Commission to confirm appointment of institutional presidents; requiring classified employees, if any are employed by the institution, be used when doing evaluations of institutional presidents; updating language to be consistent with replacing institutional and statewide report cards with a data reporting system in prior legislation; removing unnecessary language; declaring that the geographic areas of responsibility for the West Virginia School of Osteopathic Medicine, Marshall University, and West Virginia University are statewide; and removing requirement for Higher Education Policy Commission confirmation of campus development plans”; 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

Com. Sub. for S. B. 772 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-1-3, relating to clarifying that the Restatements of the Law and other legal treatises are not controlling authority”; 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 July 1, 2020, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 793 - "A Bill to amend and reenact §11-13-2q of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-13-2r, all relating to business and occupation taxes imposed on operators of certain coal-fired electric generating units located in this state; clarifying application of certain sections of code; providing for recomputation of taxable generating capacity of certain coal-fired electric generating units for business and occupation tax purposes under certain circumstances; defining certain terms, imposing recapture tax under certain circumstances; and specifying effective dates"; 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. 798 - "A Bill to amend and reenact §19-37-2 of the Code of West Virginia, 1931, as amended, relating to adding pasteurized milk and other dairy foods produced or processed in West Virginia to the list of items required to be purchased by all state-funded institutions, such as schools, colleges, correctional facilities, governmental agencies, and state parks"; 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. 800 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31G-4-5a, relating to authorizing electric utilities to construct and operate a project within the electric utility distribution system"; 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

S. B. 805 - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2020, to the Department of Transportation, Division of Highways, A. James Manchin Fund, fund 8319, fiscal year 2020, organization 0803, and to the Department of Transportation, State Rail Authority, West Virginia Commuter Rail Access Fund, fund 8402, fiscal year 2020, organization 0804, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 812 - "A Bill making a supplementary appropriation of Lottery Net Profits from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the Bureau of Senior Services, Lottery Senior Citizens Fund, fund 5405, fiscal year 2020, organization 0508, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 816 - "A Bill to amend and reenact §11-6F-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-13S-3 of said code, all relating generally to updating the North American Industry Classification System code references; and making other technical changes to conform to new bill-drafting requirements."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 816) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

Com. Sub. for S. B. 819 - "A Bill to amend and reenact §17C-17A-2, §17C-17A-3, §17C-17A-5, and §17C-17A-12 of the Code of West Virginia, 1931, as amended, all relating to coal resource transportation roads; defining certain terms; expanding coal resource transportation road system; updating reporting requirements for Division of Highways and Public Service Commission; updating maximum distance for special crossing permits; updating process for designation and decertification of coal resource transportation roads; renaming Coal Resource Transportation Designation Committee as Coal Resource Transportation Advisory Committee and redefining authority; and correcting technical errors"; 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

S. B. 828 - "A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating to clarifying municipal business and occupation taxation where business activity occurs in more than one location; defining terms to reflect the changing national economy; and authorizing the Tax Commissioner to promulgate any necessary regulations"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. C. R. 49 - "Requesting the West Virginia Department of Transportation, Division of Highways, evaluate the October 1, 2018, Updated Oil and Gas Road Policy."

Whereas, Implementation of a responsible regulatory scheme to address the road damage caused by natural gas development, transportation, and storage is in the public interest and should be done in a manner that protects our citizens, our industry, and our roads and highways for current and future generations; and

Whereas, The West Virginia Department of Transportation, Division of Highways, issued the Updated Oil and Gas Road Policy most recently on October 1, 2018; and

Whereas, It is in the public interest for West Virginia to evaluate whether changes to this policy are needed to reflect current economic and infrastructure conditions; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia Department of Transportation, Division of Highways, is hereby requested to evaluate the October 1, 2018, Updated Oil and Gas Road Policy; and, be it

Further Resolved, That specific objectives of the study plan shall include: (1) Identifying if there are gaps in the existing policy that resulted in damages to West Virginia roads without correction or reimbursement of costs; (2) coordinating with stakeholders to resolve the issues identified; and (3) if necessary, proposing recommendations for specific amendments to the oil and gas road policy, an alternative policy, or permitting scheme; and, be it

Further Resolved, That the West Virginia Department of Transportation, Division of Highways, report to the Joint Legislative Oversight Committee on Transportation and Infrastructure, during the summer 2020 interim session, on its findings, conclusions, and recommendations.

Resolutions Introduced

Delegates J. Jeffries, Wilson, D. Jeffries, Azinger, Barnhart, Bartlett, Bibby, Butler, Cadle, Cooper, Dean, Fast, Foster, Higginbotham, Hott, Householder, Mandt, C. Martin, P. Martin, McGeehan, Pack, Phillips, Steele and Toney offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 15 - "Expressing the disapproval of the House of Delegates to Senator Manchin for his vote to convict President Donald J. Trump in the impeachment trial."

Whereas, The House of Delegates stands firmly behind our President, whose policies have created unprecedented levels of American prosperity. The impeachment effort has served only to distract America from the serious issues we face, and in November voters should be the final arbiters of the conduct of the President; and

Whereas, The impeachment alleged and charged the President with "abuse of office" and "contempt of Congress", neither of which is a crime; and

Whereas, Senator Manchin only hours before the Senate vote was arguing for action less than conviction in the form of a compromise or censure of the President, apparently believing then that whatever the President was being charged with by the House of Representatives did not rise to impeachable actions; therefore, be it

Resolved by the House of Delegates:

That this chamber express its disagreement and disapproval of the vote of Senator Manchin to convict President Donald J. Trump in the impeachment trial; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to Senator Joe Manchin.

Delegates R. Thompson, Hicks, Rodighiero, Evans, Lovejoy and N. Brown offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 119 - "Requesting the Division of Highways name that portion of County Route 35 beginning where it intersects with CR 39 and ending where it intersects with CR 33 in Wayne County, the 'Nelson Veterans Memorial Road'."

Whereas, U.S. Army Technician 5th Grade Oscar Nelson was born on April 10, 1919, in Southern Wayne County near Dunlow to Millard and Melinda Nelson. He grew to adulthood working on his family farm and at his father's steam sawmill; and

Whereas, When World War II erupted, Technician Nelson enlisted in the military on March 28, 1942, and served in several units before eventually begin assigned to the 82nd Airborne; and

Whereas, On June 6, 1944, Technician Nelson participated in the early morning glider landings in Normandy behind German lines. After being severely injured when his glider crashed he was nursed back to health by a French family. Technician Nelson returned to the front lines and was on a hill in Germany when he learned of the German surrender. He also served in North Africa and Italy; and

Whereas, Technician Nelson was awarded the Purple Heart, the Good Conduct Medal, the European African Middle Eastern Service Ribbon, and the Distinguished Unit Badge, and was honorably discharged on September 24, 1945; and

Whereas, After the war, Technician Nelson returned home to Wayne County and lived the rest of his life on his family farm. He raised a family, and two sons, Dan and Mike, served in the military as well; and

Whereas, Technician Nelson died on February 14, 2004; and

Whereas, It is a fitting tribute to U. S. Army Technician 5th Grade Oscar Nelson that this stretch of road be named for him and his contribution to his country and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name that portion of County Route 35 beginning where it intersects with CR 39 and ending where it intersects with CR 33 in Wayne County, the "Nelson Veterans Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the "Nelson Veterans Memorial Road"; and, be it

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

Delegates R. Thompson, Hicks, Rodighiero, Evans, Lovejoy and N. Brown offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 120 - "Requesting the Division of Highways name bridge number 50-075/00-007.25 (50A149), locally known as Buffalo Beam Span, carrying WV Route 75 over Twelvepole Creek in Wayne County, the 'Haynie Family Veterans Memorial Bridge'."

Whereas, The Haynie's have been in the Buffalo Creek area since the early 1800's; and served their county in World Wars I and II; and

Whereas, Anthony Haynie was born July 22, 1895, in Wayne County, West Virginia. He enlisted in the Army October 5, 1917, and was discharged June 10, 1919. He served under General Pershing, Battery C 315 "Field Artillery, 80" Division. PV 1 Anthony's unit had advanced to the town of Romagne and were engaged with the Germans. Three guns of his battery were knocked out by shell fire and

gas attack. The battery commander asked for volunteer to man the guns in spite of the fierce gas attack and Anthony answered the call. His record reveals that he was severely wounded in that engagement. He received the Purple Heart. Anthony died January 17, 1976; and

Whereas, Arthur Haynie was born November 17, 1921. Arthur attended the old wooden school at Buffalo. He entered the Army December 14, 1942. At discharge, He was a Tech 5, MP. He died September 18, 1995; and

Whereas, James E. Haynie, PVT 1 Class, WWII James was born August 16, 1923, in Wayne County, WV. He attended and graduated from Buffalo High School. He served in the Army from July 8, 1943, through December 7, 1945, He was a Demolition Expert and served in Calcutta and Burma. His unit merged with Merrill's Marauders and came behind them, "cleaning up their mess". He received Asiatic Pacific Theater Ribbon, WWII Victory Ribbon and Distinguished Unit Bade with two Bronze Stars. He died September 14, 2014; and

Whereas, Robert V. Haynie, PVT 1 Class, WWII Robert was born March 24, 1925, in Wayne County. He attended Buffalo High School. He served in the Army from August 28, 1943, through February 14, 1946. He was a Military Policeman serving in the European Theater of Operation, He served in Normandy, Northern France and Rhineland. He was a recipient of the Purple Heart. He was a recipient of the European African Middle Eastern Theater Ribbon and WWII Victory Ribbon. He died December 25, 2018; and

Whereas, Charles E. Haynie, WWII Charles was born April 14, 1927, in Wayne County, WV. He attended Buffalo High School. He enlisted in the Navy. He served on the USS Sandoval (APA-194) as a coxswain and was in Iwo Jima. He died November 20, 2016; and

Whereas, It is fitting that an enduring memorial be established to commemorate The Haynie Family and their contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 50-075/00-007.25 (50A149), locally known as Buffalo Beam Span, carrying WV Route 75 over Twelvepole Creek in Wayne County, the "Haynie Family Veterans Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "*Haynie Family Veterans Memorial Bridge*"; and, be it

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

And,

Delegates Caputo, Miley, Robinson, Miller, Lovejoy, Canestraro, Byrd, Toney, Dean, Rohrbach and Paynter offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 121 - "Requesting the Joint Committee on Government and Finance study the West Virginia State Police's increased duties and responsibilities and determine the number of full-time equivalent positions that are needed to meet the statutory mission of statewide enforcement of criminal and traffic laws, with emphasis on providing basic enforcement and citizen protection from criminal depredation throughout the state's public streets, roads, and highways."

Whereas, The West Virginia State Police has been protecting the citizens of this state since 1919, investigating crimes, traffic accidents, providing crowd control, directing traffic, apprehending sexual predators and those who terrorize our neighborhoods, to ensure that we live in peace; and

Whereas, The West Virginia State Police has seen a decrease in manpower since 2001, when more than 700 troopers protected West Virginia, to currently only employing 615 troopers; and

Whereas, The West Virginia State Police's duties and responsibilities have continued to grow during that same time period, which have included the sex offenders within the state that are required to register with the West Virginia State Police. In 2001, the sex offender registry had 1,468 sex offenders within the state and this has now grown to over 5,639 offenders, the tracking of which the West Virginia State Police is responsible; and

Whereas, In 2017, there were 833 drug overdose deaths reported in West Virginia involving opioids, making West Virginia the highest age-adjusted rate of drug overdose deaths involving opioids in the country; and

Whereas, The most recent figures reflect that the West Virginia State Police answered 159,552 calls for service for the citizens of West Virginia in a one-year period; and

Whereas, The Legislature finds that it should take an active role in studying, formulating, and implementing a plan to provide the necessary manpower, equipment, and resources needed for the West Virginia State Police to meet its statutory mission of statewide law enforcement; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the West Virginia State Police's increased duties and responsibilities and determine the number of full-time equivalent positions that are needed to meet the statutory mission of statewide enforcement of criminal and traffic laws, with emphasis on providing basic enforcement and citizen protection from criminal depredation throughout the state's public streets, roads and highways; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Legislature, on the first day of the regular session of the Legislature, 2021, on its findings, conclusions, and recommendations, together with drafts of any legislation to effectuate its recommendations; and, be it

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

Special Calendar

Com. Sub. for H. B. 2478, Modifying the Fair Trade Practices 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. 335**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barrett, Jennings and McGeehan.

Absent and Not Voting: Byrd and Hicks.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2478) 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. 2897, Relating to driving restrictions in school zones; 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. 336**), 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: S. Brown, Byrd and Hicks.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2897) 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. 4159, Relating to the manufacture and sale of hard cider; 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. 337**), and there were—yeas 81, nays 17, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Azinger, Bartlett, Butler, Cooper, Fast, D. Jeffries, Jennings, Kump, Mandt, P. Martin, Pack, Porterfield, Rohrbach, Toney, Waxman, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Byrd and Hicks.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4159) passed.

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

H. B. 4159 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections designated §19-2-12 and §19-2-13; to amend and reenact §60-1-5a of said code; to amend and reenact §60-8-2, §60-8-3, §60-8-4, §60-8-18, and §60-8-29 of said code; and to add a new article to said code designated §60-8A-1, §60-8A-2, §60-8A-3, §60-8A-4, §60-8A-5, §60-8A-6, and §60-8A-7, all relating to the manufacture and sale of wine and hard cider; establishing the Agriculture Development Fund; establishing permitted expenditures from the fund; creating a new program to develop hard cider; providing for definitions; clarifying various aspects of wine, specifically the alcohol by volume percentage for table wine, wine, and fortified wine; adding the definition of ‘nonfortified dessert wine’; clarifying penalties for failure to meet requirements; replacing bond requirements that secure the payment of taxes by distributors, suppliers, certain wineries, and certain farm wineries, who are acting as either suppliers or distributors in a limited capacity, with an affidavit; providing penalties for failure to pay taxes and maintain good standing with the state; providing that there is no separate license required to manufacture and sell hard cider under certain conditions;

providing for a hard cider distributor's license; providing for hard cider exemptions to the wine liter tax; establishing a hard cider gallon tax; providing for applicability of other laws; requiring regular reports to the Tax Commissioner; providing for applications to import products necessary to manufacture hard cider under certain conditions; providing for hard cider sales for consumption; providing for complementary samples to be given; establishing requirements for complementary samples; permitting the sale of growlers; establishing growler labeling requirements; establishing growler sanitation requirements; providing for fees for the privilege to sell growlers; and providing for rule-making authority."

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. 4176, West Virginia Intelligence/Fusion Center 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. 338**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: McGeehan, Paynter, Phillips and Staggers.

Absent and Not Voting: Byrd and Hicks.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4176) 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. 4362, Relating to penalties for neglect, emotional abuse or death caused by a caregiver; 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. 339**), 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: Hicks.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4362) 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. 4402, Relating to designation of early voting locations; 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. 340**), 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: Hicks.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4402) 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. 4439, Clarifying the method for calculating the amount of severance tax attributable to the increase in coal production; 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. 341**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Lavender-Bowe.

Absent and Not Voting: Hicks.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4439) 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. 4461, Requiring the Governor to fix the salaries of certain state appointed officers after the office is vacated or after July 1; 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. 342**), and there were—yeas 63, nays 35, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Bibby, N. Brown, S. Brown, Butler, Campbell, Canestraro, Diserio, Evans, Fast, Fleischauer, Fluharty, Foster, Hansen, Hornbuckle, Kessinger, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Paynter, Robinson, Rodighiero, Staggers, Steele, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Waxman, Williams, Wilson and Zukoff.

Absent and Not Voting: Doyle and Hicks.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4461) 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. 4494, Tobacco Use Cessation Initiative; 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. 343**), and there were—yeas 90, nays 10, absent and not voting none, with the nays being as follows:

Nays: Bibby, Butler, Cadle, Foster, Graves, Hanna, P. Martin, Steele, Waxman and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4494) 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. 4497, Requiring an external defibrillator device at any secondary school athlete event; 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. 344**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4497) 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. 4524, Making the entire state “wet” or permitting the sale of alcoholic liquors for off-premises consumption; on third reading, coming up in regular order, was read a third time.

Delegate C. Martin requested to be excused from voting on H. B. 4524 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. 345**), and there were—yeas 73, nays 26, absent and not voting 1, with the yeas and absent and not voting being as follows:

Nays: Azinger, Bartlett, Bibby, Butler, Cooper, Fast, Foster, Hicks, Howell, D. Jeffries, Jennings, Kessinger, Kump, C. Martin, P. Martin, Pack, Paynter, Porterfield, Rohrbach, Rowan, R. Thompson, Toney, Waxman, Wilson, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4524) passed.

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

Pursuant to House Rule 58, Delegate Bates, having voted on the prevailing side when the House of Delegates rejected **Com. Sub. for H. B. 2088** on yesterday, moved that the vote be reconsidered.

On this motion, the yeas and nays were demanded, which demand was sustained. The yeas and nays having been ordered, they were taken (**Roll No. 346**), and there were—yeas 53, nays 47, absent and not voting none, with the nays being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Butler, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miley, Miller, Paynter, Pethtel,

Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Williams and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the motion to reconsider the vote by which the House of Delegates rejected Com. Sub. for H. B. 2088 prevailed.

Delegate Espinosa moved the previous question, which demand was sustained.

On this question, the yeas and nays were taken (**Roll No. 347**), and there were—yeas 53, nays 47, absent and not voting none, with the nays being as follows:

Nays: Anderson, Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Butler, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Howell, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the motion for the previous question prevailed.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 348**), and there were—yeas 54, nays 46, absent and not voting none, with the nays being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Butler, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Williams and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2088) 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. 4535, Relating to student aide class titles; 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. 349**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Angelucci, Hartman, Hicks, Miley, Skaff and Sypolt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4535) 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. 4558, Creating a personal income tax credit for volunteer firefighters in West Virginia; 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. 350**), 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: Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4558) 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. 4560, Relating to deliveries by a licensed wine specialty shop; 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. 351**), and there were—yeas 87, nays 13, absent and not voting none, with the nays being as follows:

Nays: Azinger, Bartlett, Butler, Fast, D. Jeffries, Jennings, Kump, C. Martin, P. Martin, Porterfield, Rowan, Toney and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4560) 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. 4573, Relating to Medicaid subrogation liens of the Department of Health and Human Resources; 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. 352**), and there were—yeas 58, nays 42, absent and not voting none, with the nays being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Jennings, Lavender-Bowe, Lovejoy, Miley, Miller, Paynter, Pushkin, Robinson, Rodighiero, Rowe, Skaff, Sponaule, Steele, C. Thompson, R. Thompson, Tomblin, Walker, Williams, Wilson and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4573) 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. 4574, Establishing Just Transition support for coal and timber related jobs; 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. 353**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4574) 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. 4587, Modernizing the Public Service Commission's regulation of solid waste motor carriers and solid waste facilities; on third reading, coming up in regular order, was read a third time.

Delegate Hott inquired regarding whether the ruling on his request to be excused from voting under the provisions of House Rule 49 during second reading on yesterday applied to passage.

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. 354**), and there were—yeas 63, nays 37, absent and not voting none, with the nays being as follows:

Nays: Angelucci, Barrett, Bates, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Diserio, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miley, Miller, Pethtel, Pushkin, Robinson, Rodighiero, Rowe, Sponaule, Staggers, Storch, C. Thompson, R. Thompson, Walker, Williams and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4587) 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. 4602, Increasing the penalty for DUI causing death when a child is present; 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. 355**), and there were—yeas 67, nays 33, absent and not voting none, with the nays being as follows:

Nays: Bates, Boggs, N. Brown, S. Brown, Butler, Cadle, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hartman, Hicks, Hill, Hornbuckle, Jennings, Lovejoy, McGeehan, Pethtel, Phillips, Pushkin, Pyles, Rowe, Skaff, Sponaule, Staggers, Sypolt, C. Thompson, Tomblin, Toney, Walker, Williams and Zukoff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4602) passed.

On motion of Delegates Shott and Canestraro, the title of the bill was amended to read as follows:

H. B. 4602 - "A Bill to amend and reenact §17C-5-1 of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for negligent operation of a motor vehicle causing death, and providing an additional penalty for negligent operation of a motor vehicle causing death when a child is present in the vehicle at the time of the accident."

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. 4619, Approving plans proposed by electric utilities to install middle-mile broadband fiber; 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. 356**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4619) 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. 4639, Changing frequency of mandatory state inspections of motor vehicles; on third reading, coming up in regular order, was read a third time.

Delegate Zukoff requested to be excused from voting on Com. Sub. for H. B. 4639 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.

Speaker Pro Tempore Cowles in the Chair

Delegate Higginbotham requested to be excused from voting on Com. Sub. for H. B. 4639 under the provisions of House Rule 49.

The Speaker Pro Tempore 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.

Mr. Speaker, Mr. Hanshaw, in the Chair

Delegate Linville requested to be excused from voting on Com. Sub. for H. B. 4639 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.

Delegate Kump moved the previous question, which demand was sustained.

On this question, the yeas and nays were taken (**Roll No. 357**), and there were—yeas 48, nays 50, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Atkinson, Azinger, Barnhart, Bartlett, Bibby, Cadle, Capito, Criss, Dean, Ellington, Espinosa, Fast, Foster, Hamrick, Hanna, Hardy, Higginbotham, Hill, Hott, Howell, D. Jeffries, J. Jeffries, Kessinger, Kump, Linville, Little, C. Martin, P. Martin, Maynard, McGeehan, Pack, Paynter, Phillips, Porterfield, Queen, Rohrbach, Rowan, Shott, Staggers, Steele, Summers, Sypolt, Toney, Waxman, Westfall, Wilson, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Angelucci and Estep-Burton.

So, a majority of the members present and voting not having voted in the affirmative, the motion for the previous question did not prevail.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 358**), and there were—yeas 48, nays 51, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Azinger, Barnhart, Bartlett, Bibby, Butler, Cadle, Cowles, Criss, Dean, Ellington, Espinosa, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Higginbotham, Hill, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Kessinger, Kump, Linville, Little, C. Martin, P. Martin, Maynard, McGeehan, Pack, Paynter, Phillips, Porterfield, Rohrbach, Rowan, Shott, Steele, Summers, Sypolt, Toney, Waxman, Wilson, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Estep-Burton.

So, a majority of the members present and voting not having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4639) rejected.

Com. Sub. for H. B. 4648, The Parenting Fairness Act of 2020; 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. 359**), and there were—yeas 59, nays 38, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Espinosa, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Westfall and Zukoff.

Absent and Not Voting: N. Brown, Cooper and Estep-Burton.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4648) 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. 4665, Reducing the amount of rebate going to the Purchasing Improvement Fund; 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. 360**), 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: N. Brown, Estep-Burton and Fleischauer.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4665) 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. 4693, Expanding the scope of the Veterans to Agriculture Program; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 361**), 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: N. Brown, Estep-Burton, Fleischauer and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4693) 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. 4705, Including three types of cancer for which rebuttable presumption of injury from employment exists for firefighters; 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. 362**), 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: N. Brown, Estep-Burton and Fleischauer.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4705) 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. 4717, Seizure and Forfeiture Reporting 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. 363**), and there were—yeas 77, nays 20, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Butler, Byrd, Cadle, Campbell, Canestraro, Hicks, Hott, D. Kelly, Lovejoy, Miller, Queen, Robinson, Rodighiero, Steele, Summers, Swartzmiller, R. Thompson, Tomblin, Westfall and Zukoff.

Absent and Not Voting: N. Brown, Estep-Burton and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4717) 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. 4804, Relating to comprehensive systems of support for teacher and leader induction and professional growth; 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. 364**), 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: N. Brown, Estep-Burton, Linville and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4804) 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. 4852, Relating to the penalties for the manufacture, delivery, possession, or possession with intent to manufacture or deliver methamphetamine; 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. 365**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, Pushkin and Rowe.

Absent and Not Voting: N. Brown and Estep-Burton.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4852) 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. 4892, Reducing personal income tax rates when personal income tax reduction fund is funded at a certain threshold; 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. 366**), and there were—yeas 89, nays 8, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Cowles, Doyle, Fleischauer, Lavender-Bowe, Nelson, Robinson, Skaff and Sponaugle.

Absent and Not Voting: N. Brown, Estep-Burton and Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4892) 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. 4925, Requiring the Secondary Schools Athletic Commission to recognize preparatory athletic programs; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 367**), 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: N. Brown, Estep-Burton and Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4925) passed.

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

Com. Sub. for H. B. 4925 – “A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to requiring the West Virginia Secondary Schools Athletic Commission to recognize preparatory athletic programs as nonparticipating members; requiring the preparatory athletic program to pay fees; setting forth parameters of the nonparticipating membership; and allowing for emergency rulemaking.”

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

H. B. 4929, Relating to the administrative closing of stale or unprogressed estates; 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. 368**), 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: N. Brown, Estep-Burton, Hornbuckle, Linville and Williams.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4929) 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. 4946, Eliminating the requirement that municipal police civil service commissions certify a list of three individuals for every position vacancy; 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. 369**), 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: N. Brown, Estep-Burton and Hardy.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4946) 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. 4958, Relating to eliminating the ability of a person's driver license to be suspended for failure to pay court fines and costs; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 370**), and there were—yeas 89, nays 9, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Butler, Cadle, Cooper, Criss, Hicks, Little, Phillips, R. Thompson and Tomblin.

Absent and Not Voting: N. Brown and Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4958) passed.

Delegate Summers moved that the bill take effect July 1, 2020.

On this question, the yeas and nays were taken (**Roll No. 371**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Cadle.

Absent and Not Voting: N. Brown.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4958) takes effect July 1, 2020.

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

H. B. 4969, Relating to providing tax credit for the donation or sale of a vehicle to certain charitable organizations; on third reading, coming up in regular order, was read a third time.

Delegate Porterfield requested to be excused from voting on H. B. 4969 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. 372**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Butler and Cadle.

Absent and Not Voting: N. Brown, J. Jeffries and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4969) 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. 4971, Relating to a closing hospital; on third reading, coming up in regular order, with an amendment pending and the general right to amend, was reported by the Clerk.

On motion of Delegates Howell, Caputo, Rohrbach, Longstreth, Angelucci and C. Martin, the bill was amended on page three, line fifty-six, by striking out subsection (b) in its entirety and inserting in lieu thereof the following:

“(9) The acquisition of a hospital that has announced its closure, or intention to close, and has filed the required notice of closure with the West Virginia Office of Health Facility Licensure & Certification.

(A) A person acquiring a hospital pursuant to §16-2D-10(a)(9) may:

(i) Renovate the acquired hospital to create a community outpatient medical center;

(ii) Construct, develop, or establish a community outpatient medical center to be located in the same county as the acquired hospital. *Provided*, That if a person decides to utilize this provision, any certificate of need associated with the acquired hospital shall be revoked and any health services to be offered at the acquired hospital shall be subject to the provisions of this article, or;

(iii) Construct, develop, or establish a new hospital to be located within the same county and a six-mile radius of the acquired hospital's current campus. The bed capacity and services to be offered at the new hospital shall be limited to the current bed capacity and services, or reduced bed capacity and services, for which the closing, or closed, hospital maintains a valid certificate of need for on the date the required notice of closure is filed with the West Virginia Office of Health Facility Licensure & Certification. *Provided*, That the person acquiring the hospital shall continue to maintain services and bed capacity offered by the acquired hospital until the newly constructed, developed, or established hospital is operational.

(B) For purposes of subparagraph §16-2D-10(a)(9)(A), the outpatient services to be offered at a community outpatient medical center shall be limited to the outpatient services for which the closing, or closed, hospital maintains a valid certificate of need for on the date the required notice of closure is filed with the West Virginia Office of Health Facility Licensure & Certification.

(C) For purposes of this subdivision, a community outpatient medical center shall not offer inpatient medical services and, at a minimum shall:

(i) Provide emergency medical care and observation care 24 hours a day, seven days a week;

(ii) Treat all patients regardless of insurance status; and

(iii) Have protocols in place for the timely transfer of patients who require a higher level of care.”

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 373**), 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: Atkinson, N. Brown and J. Jeffries.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4971) passed.

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

On this question, the yeas and nays were taken (**Roll No. 374**), 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: Atkinson, N. Brown and J. Jeffries.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4971) takes effect from its passage.

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

Second Reading

Com. Sub. for S. B. 586, Reorganizing and re-designating Department of Military Affairs and Public Safety as Department of Homeland Security; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended, on page ninety, section seven, on line one hundred two, after the semicolon by striking out the word "and", and by inserting a new subdivision to read as follows:

"(32) 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 provision 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.

The bill was then ordered to third reading.

S. B. 727, Relating to disbursement of funds for highway road repair; on second reading, coming up in regular order, was read a second time.

Delegate Fluharty asked unanimous consent to advance the bill to third reading with the right to amend, which request was not granted, objection being heard.

Delegate Fluharty then so moved.

Whereupon,

In the absence of objection, the bill was placed at the foot of all bills on the calendar.

S. B. 734, Clarifying powers and duties of DOH in acquiring property for state road purposes; on second reading, coming up in regular order, was read a second time and ordered to third reading.

First Reading

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

S. B. 202, Allowing one member of PSD board to be county commissioner,

Com. Sub. for S. B. 225, Empowering municipalities to enact Adopt-A-Street programs,

Com. Sub. for S. B. 240, Requiring hotels and restaurants secure manhole covers of certain grease traps,

Com. Sub. for S. B. 241, Requiring State Board of Education develop method for student transportation costs as stand-alone consideration,

S. B. 281, Removing residency requirement for persons applying for reappointment to municipal police dept,

S. B. 307, Correcting code citation relating to certain tax liens,

S. B. 509, Relating to custodial allocation actions independent of divorce,

S. B. 523, Extending deadline for municipalities to offer Social Security coverage to certain municipal retirement system members,

Com. Sub. for S. B. 529, Establishing limitations on claims and benefits against state,

S. B. 552, Requiring contracts of \$25,000 or more be competitively bid,

Com. Sub. for S. B. 576, Relating to management of public records,

Com. Sub. for S. B. 583, Creating program to further development of renewable energy resources,

S. B. 652, Authorizing School Building Authority promulgate legislative rules,

Com. Sub. for S. B. 686, Exempting contract and common carrier laws for certain vehicles,

S. B. 703, Increasing earning limit for employees who accept separation incentive,

Com. Sub. for S. B. 706, Clarifying duties of law-enforcement training and certification subcommittee,

S. B. 712, Correcting name of Forensic Analysis Laboratory,

And,

S. B. 781, Relating to reports regarding collaborative agreements between community and technical colleges and federally registered apprenticeship programs.

Having been read a second time in earlier proceedings and having been placed at the foot of all bills, the House returned to consideration of **S. B. 727**, Relating to disbursement of funds for highway road repair.

An amendment, offered by Delegate Fluharty was reported by the Clerk, on page six, section eleven, line one hundred forty-seven, by striking out the number "\$1" and inserting in lieu thereof "\$2".

Whereupon,

In the absence of objection, the motion to advance the bill to third reading with the right to amend was withdrawn and Delegate Fluharty obtained unanimous consent that the amendment be reformed, as follows:

On page seven, section eleven, line one hundred forty-seven, by striking out the number "\$1" and inserting in lieu thereof "\$1.50".

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

The yeas and nays having been ordered, they were taken (**Roll No. 375**), and there were—yeas 63, nays 35, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barnhart, Bartlett, Bibby, Butler, Cadle, Capito, Dean, Ellington, Fast, Foster, Graves, Hanna, Hardy, Higginbotham, Hott, Howell, D. Jeffries, J. Jeffries, D. Kelly, J. Kelly, Kessinger, Kump, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Nelson, Paynter, Phillips, Porterfield, Rowan, Steele, Summers and Toney.

Absent and Not Voting: N. Brown and Hicks.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

The bill was then ordered to third reading.

Miscellaneous Business

Prior to passage of H. B. 4602, Delegate Estep-Burton obtained consent to be removed as a cosponsor.

Delegate Doyle noted to the Clerk that he was absent when the vote was taken on Com. Sub. for H. B. 4461, and had he been present, he would have voted "Nay" thereon.

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

- Delegate Hornbuckle for H. B. 4368
- Delegates Estep-Burton, Caputo and Pushkin for H. C. R. 60
- Delegates Caputo, Estep-Burton and Robinson for H. C. R. 68

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

- Delegate Evans, Linville, Mandt, Miller and Rohrbach regarding Com. Sub. for H. B. 4497
- Delegates Bartlett, Kump and Pushkin regarding H. B. 4524
- All of the debate on Com. Sub. for H. B. 4780 on yesterday
- Delegate Graves regarding H. B. 4958
- Delegate Sypolt regarding H. B. 4969

At 3:49 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 27, 2020.

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

SPECIAL CALENDAR

Thursday, February 27, 2020

51st Day

11:00 A. M.

THIRD READING

- Com. Sub. for S. B. 586 - Reorganizing and re-designating Department of Military Affairs and Public Safety as Department of Homeland Security (SHOTT) (REGULAR)
- S. B. 727 - Relating to disbursement of funds for highway road repair
- S. B. 734 - Clarifying powers and duties of DOH in acquiring property for state road purposes

SECOND READING

- S. B. 202 - Allowing one member of PSD board to be county commissioner (HOWELL) (REGULAR)
- Com. Sub. for S. B. 225 - Empowering municipalities to enact Adopt-A-Street programs (HOWELL) (REGULAR)
- Com. Sub. for S. B. 240 - Requiring hotels and restaurants secure manhole covers of certain grease traps (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- Com. Sub. for S. B. 241 - Requiring State Board of Education develop method for student transportation costs as stand-alone consideration (EDUCATION COMMITTEE TITLE AMENDMENT PENDING) (ELLINGTON) (REGULAR)
- S. B. 281 - Removing residency requirement for persons applying for reappointment to municipal police dept (HOWELL) (REGULAR)
- S. B. 307 - Correcting code citation relating to certain tax liens (HOWELL) (REGULAR)
- S. B. 509 - Relating to custodial allocation actions independent of divorce (SHOTT) (REGULAR)
- S. B. 523 - Extending deadline for municipalities to offer Social Security coverage to certain municipal retirement system members (PENSIONS AND RETIREMENT COMMITTEE AMENDMENT PENDING) (GRAVES) (REGULAR)
- Com. Sub. for S. B. 529 - Establishing limitations on claims and benefits against state (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (JULY 1, 2020)

- S. B. 552 - Requiring contracts of \$25,000 or more be competitively bid (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING) (HOWELL) (REGULAR)
- Com. Sub. for S. B. 576 - Relating to management of public records (HOWELL) (REGULAR)
- Com. Sub. for S. B. 583 - Creating program to further development of renewable energy resources (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- S. B. 652 - Authorizing School Building Authority promulgate legislative rules (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 686 - Exempting contract and common carrier laws for certain vehicles (HOWELL) (REGULAR)
- S. B. 703 - Increasing earning limit for employees who accept separation incentive (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 706 - Clarifying duties of law-enforcement training and certification subcommittee (SHOTT) (REGULAR)
- S. B. 712 - Correcting name of Forensic Analysis Laboratory (ELLINGTON) (REGULAR)
- S. B. 781 - Relating to reports regarding collaborative agreements between community and technical colleges and federally registered apprenticeship programs (ELLINGTON) (REGULAR)
- S. B. 816 - Updating North American Industry Classification System code references (JULY 1, 2020)

FIRST READING

- Com. Sub. for S. B. 201 - Relating generally to criminal offenses of stalking and harassment (SHOTT) (REGULAR)
- S. B. 610 - Removing resident manager requirement for Alcohol Beverage Control Administration (SHOTT) (JULY 1, 2020)
- Com. Sub. for S. B. 625 - Creating one-day annual license to permit charitable auction of sealed rare, antique, or vintage liquor bottles (SHOTT) (REGULAR)
- S. B. 789 - Repealing obsolete sections of WV Code relating to Legislature (SHOTT) (REGULAR)

HOUSE CALENDAR

Thursday, February 27, 2020

51st 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. 502 - Relating to methamphetamine criminal penalty (SHOTT) (REGULAR)
- Com. Sub. for S. B. 534 - Removing workers' compensation exclusion for temporary legislative employees (HOWELL) (REGULAR)
- Com. Sub. for S. B. 554 - Relating to termination, expiration, or cancellation of oil or natural gas leases (ANDERSON) (REGULAR)
- Com. Sub. for S. B. 571 - Expiring funds from State Excess Lottery Revenue Fund to various accounts (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 725 - Supplemental appropriation to various Department of Education accounts (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 778 - Supplemental appropriation expiring funds from State Excess Lottery Revenue Fund to DHHR (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 779 - Supplemental appropriation expiring funds in State Excess Lottery Revenue to Department of Veterans' Assistance (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 780 - Supplemental appropriation by decreasing and adding new appropriation out of Treasury to DMAPS (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- 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)
- Com. Sub. for H. B. 4746 - Establishing a registry of persons with a communication disability (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4905 - Ban-the-Box Act (SHOTT) (REGULAR)

- H. B. 4953 - Providing the PSC with authority to order the acquisition of failing utilities and a variety of tools to assist distressed and failing utilities (SHOTT) (REGULAR)
- H. B. 4966 - Relating generally to updating the North American Industry Classification System code references (CRISS) (REGULAR)
- H. B. 4970 - Relating to military service as a factor in certain insurance coverage rates (SHOTT) (REGULAR)

SECOND READING

- S. B. 170 - Alleviating double taxation on foreign income at state level (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- S. B. 572 - Expiring funds from General Revenue and Lottery Net Profits to various accounts (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. J. R. 102 - Providing the West Virginia Legislature rulemaking oversight of the board of education (SHOTT)
- Com. Sub. for H. B. 4059 - Increasing access to long acting reversible contraception (HILL) (REGULAR)
- H. B. 4455 - Permitting fees from the Central Abuse Registry to be used for costs relating to information technology support and infrastructure (HOUSEHOLDER) (REGULAR)
- 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. 4690 - Relating to solid waste facilities (SHOTT) (REGULAR)

FIRST READING

- 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. 4651 - Clarifying the powers and duties of the Division of Highways in acquiring property for state road purposes (SHOTT) (REGULAR)
- H. B. 4884 - Relating to a charitable or public service organization must submit a certifying statement attesting to its status (HOWELL) (REGULAR)

WEST VIRGINIA HOUSE OF DELEGATES

THURSDAY, FEBRUARY 27, 2020

HOUSE CONVENES AT 11:00 A.M.

**PUBLIC HEARING
COMMITTEE ON THE JUDICIARY
8:30 A.M. – HOUSE CHAMBER
COM. SUB. FOR S. B. 275, CREATING INTERMEDIATE
COURT OF APPEALS.**

**COMMITTEE ON HEALTH AND HUMAN RESOURCES
8:30 A.M. – ROOM 215 E**

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

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

MONDAY, MARCH 2, 2020

**PUBLIC HEARING
COMMITTEE ON THE JUDICIARY
8:30 A.M. – HOUSE CHAMBER
COM. SUB. FOR S. B. 130, RELATING TO PROCEDURE FOR DRIVER'S LICENSE
SUSPENSION AND REVOCATION FOR DUI.**

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