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FORTY-NINTH DAY

Tuesday, February 25, 2020

FORTY-NINTH DAY

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

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

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

The Clerk proceeded to read the Journal of Monday, February 24, 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. 502 and Com. Sub. for H. B. 4558, on Third Reading, Special Calendar, had been transferred to the House Calendar; S. B. 572, on Second Reading, Special Calendar, had been transferred to the House Calendar; and H. B. 4524 and Com. Sub. for H. B. 4852, on Second Reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

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:

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

And,

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

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

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

Your Committee on the Judiciary has had under consideration:

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

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

And,

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

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

On motion for leave, the following resolutions were introduced (Originating in the Committee on Government Organization and reported with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules), which was read by their title, as follows:

By Delegates Howell, C. Martin, Angelucci, Azinger, Barnhart, Hamrick, Hansen, Hanna, Hicks, Hott, D. Jeffries, J. Jeffries, Jennings, Little, Pyles, Staggers, Sypolt, Tomblin, Walker and Wilson:

H. C. R. 113 – “Requesting the Joint Committee on Government Finance study the licensing categories and the regulation of contractors by the West Virginia Contractors Licensing Board.”

Whereas, Contractors are an important and integral part of the West Virginia Economy and they work daily for the betterment of this state; and

Whereas, The Legislature is committed to studying and improving the regulations and licensing of West Virginia contractors to ensure the protection of the public while eliminating unnecessary barriers to employment; and

Whereas, The Legislature is committed to protecting the public while balancing economic opportunity by studying the various forms of licensure, certification, and registration of contractors and their various specialty designations to ensure the protection of the public is the least burdensome and as minimally restrictive as possible; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government Finance study the licensing categories and the regulation of contractors by the West Virginia Contractors Licensing Board; and, be it

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

Further Resolved, That the Contractors Licensing Board, the Division of Labor, and the Department of Commerce cooperate with the legislature throughout the duration of this study; 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.

By Delegates Howell, C. Martin, Angelucci, Azinger, Barnhart, Hamrick, Hansen, Hanna, Hicks, Hott, D. Jeffries, J. Jeffries, Jennings, Little, Pyles, Staggers, Sypolt, Tomblin, Walker and Wilson:

H. C. R. 114 – “Requesting the Joint Committee on Government and Finance to conduct a study of licensure, certification and registration forms of occupational and professional regulation.”

Whereas, West Virginia licensing boards and authorities exist to protect the public good and to ensure professional standards among those who perform occupations and professions in this state; and

Whereas, Licensure, certification and registration may serve as a barrier to entry for citizens seeking employment, making it more difficult for them to pursue gainful and meaningful employment; and

Whereas, The Legislature is committed to protecting the public while balancing economic opportunity by studying the various forms of licensure, certification and registration of occupations and professions to ensure the protection of the public is the least burdensome and as minimally restrictive as possible; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance authorize a study of licensure, certification and registration forms of occupational and professional regulation; and, be it

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

Further Resolves, 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.

By Delegates Howell, C. Martin, Angelucci, Azinger, Barnhart, Hamrick, Hansen, Hanna, Hicks, Hott, D. Jeffries, J. Jeffries, Jennings, Little, Pyles, Staggers, Sypolt, Tomblin, Walker and Wilson:

H. C. R. 115 – “Requesting the Joint Committee on Government and Finance to conduct a study of the feasibility of a single building to house all occupational and professional regulatory boards.”

Whereas, Boards and commissions regulating various professions and occupations pursuant to Chapter 30 of the West Virginia Code, have been encouraged to reduce costs and have been granted specific permissive authority to share staff and office overhead, to promote public safety, to provide accessibility of the public and to reduce costs; and

Whereas, Smaller state licensing boards have joined together through a memorandum of understanding to combine office and staffing services, and other boards have been proposed to merge further promoting efficiencies, increasing public access, and improving public safety through the continuity of services; and

Whereas, Several other states, including Florida, Maine, Texas and Utah, have experience in centralized professional and occupational offices, from which this state could identify best practices in shared office services for occupational and professional regulation, including any problems with consolidation that can be avoided; and

Whereas, West Virginia should consider identifying a single building in Charleston to house the occupational and professional regulatory boards, to facilitate the consolidation of staffing functions to promote public access to regulatory services, to further ensure efficiencies and economies of scale in occupational and professional regulation; therefore be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study of the feasibility of a single building to house all occupational and professional regulatory boards; and, be it

Further Resolved, that the Chapter 30 Boards and Commissions, and the Real Estate Division within the Department of Administration, shall cooperate with the Legislature in the conduct of this study; and, be it

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

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

By Delegates Howell, C. Martin, Angelucci, Azinger, Barnhart, Hamrick, Hansen, Hanna, Hicks, Hott, D. Jeffries, J. Jeffries, Jennings, Little, Pyles, Staggers, Sypolt, Tomblin, Walker and Wilson:

H. C. R. 116 – “Requesting the Joint Committee on Government and Finance to study duplicative and unnecessary professional and occupational regulations.”

Whereas, Various professional and occupational regulations have become antiquated over time, including modifications to the nomenclature and specialty designations where the governing statutes no longer reflect the current industry practices; and

Whereas, Certain professions and occupations are made up of primarily public employees and the classified service system is duplicitous in the evaluation of qualified applicants and licensure of those professions and occupations is likely redundant and unnecessary; and

Whereas, The Legislature is committed to periodic evaluation and assessment of various professional and occupational regulatory schemes to ensure the applicable protection of the public is provided as efficiently and effectively as possibly with the minimum burden to the public, market participants and industry; and

Whereas, Other states have determined that certain regulation of professions and occupations is unnecessary to protect the public, and the scope of practice of certain licensed professions and occupations is identical or similar to unregulated professions and occupations; therefore be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study duplicative and unnecessary professional and occupational regulations; and, be it

Further Resolved, That all state regulatory professional and occupational boards and commissions, the Division of Personnel within the Department of Administration, WorkForce West Virginia and the Department of Commerce shall cooperate with the Legislature in the conduct of this study; and, be it

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

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

By Delegates Howell, C. Martin, Angelucci, Azinger, Barnhart, Hamrick, Hansen, Hanna, Hicks, Hott, D. Jeffries, J. Jeffries, Jennings, Little, Pyles, Staggers, Sypolt, Tomblin, Walker and Wilson:

H. C. R. 117 – “Requesting the Joint Committee on Government and Finance to study state procurement policies to identify best practices, including exploring exceptions to the statewide contract and purchasing policies generally.”

Whereas, The West Virginia Legislature is committed to establishing clear policies and procedures to protect the public money entrusted to the government and its agencies, and to ensure that state procurement is done efficiently with the highest quality for the lowest cost; and

Whereas, Exemptions to the purchasing policies may be necessary in certain emergency situations in order to allow critical governmental functions to continue so the public is protected and served; and

Whereas, Legislative Audits of purchasing policy exempt agencies have identified several concerning practices, including but not limited to, stringing purchases together in excess of the dollar threshold where competitive bids should have been let and the purchasing of commodities off the statewide contract; and

Whereas, Circumstances do arise where a locally sourced equipment or products are readily available at a competitive cost where waiting on the statewide contract providers resulting in unavoidable delays and lost service delivery to the public; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study state procurement policies to identify best practices, including exploring exceptions to the statewide contract and purchasing policies generally; and, be it

Further Resolved, That the Purchasing Division and the Department of Administration shall cooperate with the Legislature in the conduct of this study; and, be it

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

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

And,

By Delegates Howell, C. Martin, Angelucci, Azinger, Barnhart, Hamrick, Hansen, Hanna, Hicks, Hott, D. Jeffries, J. Jeffries, Jennings, Little, Pyles, Staggers, Sypolt, Tomblin, Walker and Wilson:

H. C. R. 118 – “Requesting the Joint Committee on Government and Finance to study state logging regulations regarding trucking and related insurance requirements compared to other logging intensive states.”

Whereas, Forestry is a vital industry to the people of this state and results in a variety of value added products being available that enhance the quality of life of our citizens, providing good paying jobs and helping keep the economy of West Virginia vibrant; and

Whereas, This Legislature is committed to evaluating business and industry regulations to ensure they adequately protect the public in the least burdensome and most efficient and predictable manner to attract business to locate in this state; and

Whereas, Changes in the industry, improvements in equipment and safety over time requires the Legislature to periodically review and revise regulations to ensure this state has a level playing field compared to other logging intensive states; and

Whereas, The West Virginia Legislature is committed to attracting business to this state through the administration of reasonable regulations that are fair and predictable, that are not overly burdensome, that protect the public and promote economic prosperity; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study state logging regulations regarding trucking and related insurance requirements compared to other logging intensive states; and, be it

Further Resolved, That the Division of Forestry, the Department of Agriculture, the Public Service Commission and the Division of Highways shall cooperate with the Legislature in the conduct of this study; and, be it

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

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

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

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

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

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

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

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

In accordance with the former direction of the Speaker, the resolution (H. C. R. 96) was referred to the Committee on Rules.

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

Your Committee on Pensions and Retirement has had under consideration:

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

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

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

Your Committee on Political Subdivisions has had under consideration:

Com. Sub. for S. B. 96, Prohibiting municipalities from limiting persons' rights to possess certain weapons,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 96) was referred to the Committee on the Judiciary.

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

By Delegates Storch, Miller, Walker, S. Brown, Little, Jennings, Doyle, Longstreth and Cowles:

H. C. R. 112 – “Requesting the Joint Committee on Government and Finance study the impact on counties that pay for the cost of transporting persons requiring mental health treatment and/or substance abuse treatment to mental health facilities or state hospitals outside of that county.”

Whereas, The number of persons in West Virginia who have substance abuse issues or are mentally ill who require treatment under the provisions of §27-4-1 *et seq.* have increased over the past several years; and

Whereas, It is the duty of the sheriff of a county under §27-4-1 *et seq.* to provide transportation for those individuals to the appropriate mental health facility or state hospital, except in circumstances where that individual is to have arranged transportation upon written request by a person having proper interest in the individual's hospitalization; and

Whereas, Many counties in West Virginia do not have mental health facilities and/or state-run hospitals located within their borders; and

Whereas, An increasing number of sheriffs, sheriff deputies, and EMS workers are transporting those persons needing mental health or substance abuse treatment for a very long distance, oftentimes for several hours; and

Whereas, That transportation is causing a negative financial impact upon the county currently paying for the cost of transportation of those individuals who require treatment, and upon those sheriffs statutorily required to provide such transportation; and

Whereas, There has been a recent shortage of mental health treatment facilities and state-run hospitals in the state of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby directed to study the impact upon counties that pay for the cost of transporting such persons requiring mental health treatment and/or substance abuse treatment to mental health facilities or state hospitals outside of that county; and, be it

Further resolved, That the Joint Committee on Government and Finance report to the Regular Session of the Legislature 2021, on its findings, conclusions and recommendations; 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.

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

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

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

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

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,

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,

And,

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

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

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

Your Committee on Education has had under consideration:

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

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

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

Your Committee on Education has had under consideration:

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

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

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,

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

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 24th 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 H. B. 2086, Uniform Real Property Electronic Recording Act,

Com. Sub. for H. B. 2497, Relating to the whistle-blower law,

And,

Com. Sub. for H. B. 4058, Relating to pharmacy benefit managers.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented communications from His Excellency, the Governor, advising that on February 24, 2020, he approved **Com. Sub. for H. B. 2602**, **Com. Sub. for H. B. 2924**, **Com. Sub. for H. B. 4129**, **H. B. 4141**, **Com. Sub. for S. B. 46**, **Com. Sub. for S. B. 364**, **Com. Sub. for S. B. 470**, **Com. Sub. for S. B. 487**, **Com. Sub. for S. B. 500** and **Com. Sub. for S. B. 501**.

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. 528 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4, §21-5I-5, and §21-5I-6, all relating to the West Virginia Employment Law Worker Classification Act; and clarifying definition of ‘independent contractor’”; 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. 578 - “A Bill to amend and reenact §11-13-2o of the Code of West Virginia, 1931, as amended, relating to adjusting the calculation of business and occupation tax on the business of generating, producing, or selling electricity from solar energy facilities; and clarifying the taxable generating capacity for generating units utilizing solar photovoltaic methods shall equal eight percent of official capacity of the unit for the taxable period beginning January 1, 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 and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 579 - “A Bill to amend and reenact §11-15-30 of the Code of West Virginia, 1931, as amended; and to amend and reenact §24-6-6b of said code, all relating to changing the wireless enhanced 911 fee; and establishing a separate public safety fee and wireless tower fee”; 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. 586 - “A Bill to repeal §15-5-4 and §15-5-27 of the Code of West Virginia 1931, as amended; to repeal §29-3-1, §29-3-2, §29-3-3, §29-3-4, §29-3-5, §29-3-5a, §29-3-5b, §29-3-5c, §29-3-5d, §29-3-5e, §29-3-5f, §29-3-6, §29-3-7, §29-3-8, §29-3-9, §29-3-10, §29-3-11, §29-3-12, §29-3-12a, §29-3-12b, §29-3-13, §29-3-14, §29-3-15, §29-3-16, §29-3-16a, §29-3-16b, §29-3-16c, §29-3-16d, §29-3-17, §29-3-18, §29-3-19, §29-3-21, §29-3-22, §29-3-27, §29-3-28, §29-3-29, §29-3-30, and §29-3-32 of said code; to amend and reenact §5F-1-2 of said code; to amend and reenact §5F-2-1 and §5F-2-2 of said code; to amend and reenact §15-1A-3 of said code; to amend and reenact §15-5-3, §15-5-4b, §15-5-4c, §15-5-13, §15-5-20a, §15-5-24, and §15-5-26 of said code; to amend said code by adding thereto a new section, designated §15-5-29; to amend and reenact §15A-1-2 and §15A-1-3 of said code; to amend said code by adding thereto a new section, designated §15A-1-9; to amend said code by adding thereto a new article, designated §15A-9-1, §15A-9-2, §15A-9-3, §15A-9-4, §15A-9-5, §15A-9-6, and §15A-9-7; to amend said code by adding thereto a new article, designated §15A-10-1, §15A-10-2, §15A-10-3, §15A-10-4, §15A-10-5, §15A-10-6, §15A-10-7, §15A-10-8, §15A-10-9, §15A-10-10, §15A-10-11, §15A-10-12, §15A-10-13, §15A-10-14, §15A-10-15, §15A-10-16, §15A-10-17, §15A-10-18, §15A-10-19, §15A-10-20, §15A-10-21, §15A-10-22, §15A-10-23, §15A-10-24, and §15A-10-25; to amend said code by adding thereto a new article, designated §15A-11-1, §15A-11-2, §15A-11-3, §15A-11-4, §15A-11-5, §15A-11-6, §15A-11-7, §15A-11-8, §15A-11-9, §15A-11-10, and §15A-11-11; to amend and reenact §19-1-4 of said code; to amend and reenact §19-21A-4 of said code; to amend and reenact §20-1-7 of said code; to amend and reenact §22-1-6 of said code; to amend and reenact §29-31-2, §29-31-3, and §29-31-4 of said code; to amend said code by adding thereto a new section, designated §29-31-5; and to amend said code by adding thereto a new section, designated §33-2-23, all relating to reorganizing and redesignating the Department of Military Affairs and Public Safety as the Department of Homeland

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

unused firearms; continuing the Fire Commission; setting forth composition, qualifications, appointment, terms of office, removal, vacancies, and compensation and expenses of commission; establishing chairperson, vice chairperson, meeting, and quorum requirements; creating rule-making authority for fire code, building code, and general rule-making authority; continuing the hazardous response training program; requiring public hearing and notice prior to promulgation of fire code; setting forth commission's powers and conduct of public hearing; setting forth commission's powers duties and authority; setting forth authority over volunteer fire department training, and equipment, and creating rule-making authority for such; continuing courtesy certification of firefighters in surrounding states to serve as volunteer firefighters; continuing the Fire Service Equipment and Training Fund; providing the Commissioner of Agriculture shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties; providing the State Conservation Committee shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties; providing the Director of the Division of Natural Resources shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties; providing the Secretary of the Department of Environmental Protection shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties; repealing generally now-obsolete provisions relating to the Fire Commission and State Fire Marshal; placing the State Resiliency office under the Office of the Governor; adding the President of the West Virginia Emergency Management Council, the Secretary of the Department of Homeland Security, Director of the Division of Emergency Management on the State Resiliency Office Board; adding two non-voting member legislators from each house of the Legislature to the State Resiliency Office Board; specifying tenure of office on that board; providing that members of the board serve without compensation, but may collect necessary expenses; providing certain mandatory duties for that Board; providing the State Resiliency Officer shall be appointed by the Governor with the advice and consent of the Senate, and setting the duties and qualifications for such officer; providing for the employment of a deputy to the State Resiliency Officer shall be appointed by the Governor with the advice and consent of the Senate, upon presentation from a list of names by the State Resiliency Office Board, and, setting the duties and qualifications for such officer; providing that the State Resiliency Officer and his or her deputy must have complimentary work experience; specifying the areas in which the State Resiliency Office Board shall be required to assist the State Resiliency Officer to fulfill the missions of that office, and specifying the areas where that body shall assist the State Resiliency Officer to devise plans and develop procedures; providing for certain exemptions from the Public Meetings Act and Freedom of Information Act for meetings of, and materials presented to the Board; delineating the authority of the State Resiliency Office and the State Resiliency Officer in carrying out their missions; providing the State Resiliency Officer shall report at least quarterly to the Joint Legislative Committee on Flooding; granting the State Resiliency Officer authority to hire employees for the office; providing that such employees are at-will, may participate in state insurance and other programs, and, if entrusted with state funds, shall execute surety bonds; providing that the State Resiliency Officer shall set employee salary rates; creating the state Office of the National Flood Insurance Program in the Office of the Insurance Commissioner; requiring a coordinator to administer such program; providing that state owned property in any non-participating community shall be governed by appropriate rules promulgated by the Insurance Commissioner; requiring the coordinator and floodplain managers to develop a strategic plan to meet goals and objectives, which plan shall be reviewed by and must be approved by the State Resiliency Officer and State Resiliency Office Board; requiring the coordinator to establish and enforce flood plain management regulations in special hazard areas which are in conformity with Federal laws and regulations; and providing the coordinator of the state office of the National Flood Insurance Program shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 586) 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 and requested the concurrence of the House of Delegates in the passage, of

S. B. 651 - "A Bill to amend and reenact §31-17A-2 of the Code of West Virginia, 1931, as amended, relating to the definition of 'mortgage loan originator'; 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. 689 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-53-1, §33-53-2, §33-53-3, §33-53-4, and §33-53-5, all relating to enacting the Requiring Accountable Pharmaceutical Transparency, Oversight, and Reporting Act; providing a short title; providing for definitions; outlining reporting requirements for drug manufacturers and health benefit plan issuers to the Auditor; outlining the pharmaceutical data required by the Auditor; directing the Auditor to create a searchable pharmaceutical transparency website; protecting confidentiality of patient information; providing registration requirements to drug manufacturers and health benefit plan issuers; requiring reporting to the Legislature; and outlining penalties when a health benefit plan or drug manufacturer fails to submit or submits inaccurate information to the Auditor"; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

S. B. 691 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-3-1j, relating to additional alternative preparation programs for teachers; providing that certain programs adopted by the State Board of Education are separate from specified programs; providing that programs are subject to state board rules; and providing that programs may be an alternative to college and university programs for teacher education"; 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. 705 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-14-3a; to amend said code by adding thereto a new section, designated §29-3B-4a; and to amend said code by adding thereto a new section, designated §29-3D-4a, all relating to allowing military veterans with certain experience to qualify for examination for licensure as a plumber, electrician, sprinkler fitter, and sprinkler fitter in training; providing the qualifications to sit for a plumber's examination; providing qualifications to sit for an electrician's examination; and providing qualifications to sit for an examination of a sprinkler fitter in training or a journeyman sprinkler fitter"; 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 from passage and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 707 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-11a, relating to making a nursing career pathway available to students statewide; setting forth legislative findings; requiring that a nursing career pathway workgroup be convened; charging the workgroup with developing a career pathway to address the unmet need for nursing assistants, licensed practical nurses, registered nurses, and registered nurses with a bachelor's degree in nursing; requiring the nursing career pathway to be made available to students statewide; requiring report to the Legislative Oversight Commission on Education Accountability every month that the commission meets on the progress in implementing the career pathway; and requiring consideration of certain specified ideas in establishing the pathway"; 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, to take effect from passage and requested the concurrence of the House of Delegates in the passage, of

S. B. 723 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to requiring the West Virginia Department of Education to analyze statewide data collected on school disciplinary action and, based on the findings of this data, develop a statewide program intended to address the number of disciplinary actions taken by county school boards; and requiring the West Virginia Department of Education to prepare a report on the findings and provide a summary of the progress of the statewide program which shall be presented to the Legislative Oversight Commission on Education Accountability every two years"; which was referred to the Committee on Education.

A message from the Senate, by

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

S. B. 727 - "A Bill to amend and reenact §22-15-11 of the Code of West Virginia, 1931, as amended, relating to disbursement of the funds in the Gas Field Highway Repair and Horizontal Drilling Waste Study Fund for highway road repair; providing that money from the fund is to be expended within the district where gas field and horizontal drilling waste is deposited; and updating grammatical style throughout the section."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 727) 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 and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 728 - "A Bill to amend and reenact §7-1-3n of the Code of West Virginia, 1931, as amended, relating to prohibiting county commissions from enacting or enforcing property maintenance codes"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 734 - "A Bill to amend and reenact §17-2A-17 of the Code of West Virginia, 1931, as amended, relating to clarifying the powers and duties of the Division of Highways in acquiring property for state road purposes to include depth as well as width; and updating antiquated language."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 734) 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 and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 751 - "A Bill to amend and reenact §8-6-4a of the Code of West Virginia, 1931, as amended, relating to removing certain requirements when a municipality seeks to annex property within an urban growth boundary"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 755 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13FF-1, §11-13FF-2, §11-13FF-3, §11-13FF-4, and §11-13FF-5, all relating to the High-Wage Growth Business Tax Credit 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. 770 - "A Bill to amend and reenact §30-14-2 and §30-14-4 of the Code of West Virginia, 1931, as amended, all relating to definitions and applications for licensure or educational permits for osteopathic physicians and surgeons; revising requirements for post-doctoral training; and eliminating continuing medical education requirements for initial licensure"; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

S. B. 782 - "A Bill to amend and reenact §16-29B-8 of the Code of West Virginia, 1931, as amended, relating to the fees assessed on certain hospitals by the Health Care Authority; eliminating the assessment termination date; correcting a mathematical error; and other technical cleanup"; 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. 787 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-53-1, relating to providing benefits to pharmacists for pharmacist care rendered within the pharmacist's scope of practice if benefits would be provided for such services performed by other health care providers; providing for reimbursement pursuant to

negotiations; and providing for effective date”; 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

S. B. 803 - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health, Central Office, fund 0407, fiscal year 2020, organization 0506, 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 and requested the concurrence of the House of Delegates in the passage, of

S. B. 837 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-5A-1, §11-5A-2, §11-5A-3, §11-5A-4, §11-5A-5, §11-5A-6, §11-5A-7, §11-5A-8, and §11-5A-9; to amend and reenact §11-15-3 of said code; to amend and reenact §11-15A-2 of said code; and to amend and reenact §11-17-3 and §11-17-4b of said code, all relating to providing exemptions from ad valorem taxation for certain types of personal property and providing substitute revenue sources to levying bodies; setting out legislative findings; defining terms; setting out legislative intent; providing for an exemption from ad valorem taxation for property classified as manufacturing machinery, equipment, and inventory over a six-year period; setting out exclusions from the exemption; providing for exemption from ad valorem taxation on motor vehicles over a six-year period; providing for exemption from ad valorem taxation on retail inventory over a six-year period; requiring the Governor and Legislature appropriate replacement revenue to levying bodies; providing for a four-year lookback from effective date of provision; providing that the state share of the county’s basic foundation will be replaced; providing that any general revenue bond or levy in existence shall not be effected; allowing for procedural rules; creating a special revenue account; providing for an effective date; making elimination of ad valorem taxes contingent upon passage of constitutional amendment; increasing tax levied and imposed on sales and service; making increase of tax levied and imposed on sales and service contingent upon passage of constitutional amendment; providing for an effective date for the sales and service tax increase; increasing levied and imposed use tax; making increase of imposed and levied use tax contingent upon passage of constitutional amendment; providing for an effective date for the use tax increase; increasing excise tax levied and imposed on tobacco products; making increase excise tax levied and imposed on tobacco products contingent upon passage of constitutional amendment; providing for an effective date for the tax increase imposed on tobacco products increase; providing for apportionment of the increased revenue to be dedicated to a special account for tobacco use prevention, cessation, and nicotine treatment; increasing excise tax levied and imposed on sale of e-cigarette liquid; making increased excise tax levied and imposed on e-cigarette liquid contingent upon passage of constitutional amendment; providing for an effective date for the tax increase imposed on e-cigarette liquid; setting effective dates for tax increases; and providing additional tax revenue on tax increases be deposited in special revenue account”; 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. 838 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-55, relating to directing the State Police to establish a referral program for substance abuse treatment; exempting persons seeking treatment from arrest and prosecution; directing the destruction of controlled substances received from persons seeking treatment; requiring referrals to treatment of persons seeking same; specifying persons who are ineligible for referral; and immunizing the State Police and its employees civilly and criminally for making referrals and exempting records of program from freedom of information disclosure"; which was referred to the Committee on the Judiciary.

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 Health and Human Resources then Rules:

S. C. R. 46 - "Requesting the Department of Environmental Protection and the Department of Health and Human Resources cooperatively propose and initiate a public source-water supply study plan to sample perfluoroalkyl and polyfluoroalkyl substances for all community water systems in West Virginia, including schools and daycares that operate treatment systems regulated by the West Virginia Department of Health and Human Resources.

Whereas, The Legislature recognizes the prevalence and potential health risks of certain perfluoroalkyl and polyfluoroalkyl substances (PFAS). These compounds have been manufactured and are used in thousands of applications in a variety of industries and are an ingredient in some fire-fighting foams, food packaging, cleaning products, nonstick pots and pans, and various other household items. These compounds are very stable and accumulate in the environment, and many are highly water soluble, easily transferring through soil to groundwater. Some are associated with adverse health effects; and

Whereas, The United States Environmental Protection Agency's lifetime drinking water health advisory level for the individual or the combined concentrations of two of the most studied of the PFAS compounds, perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) in drinking water is currently 70 parts per trillion; and

Whereas, The United States Environmental Protection Agency is moving forward with the Maximum Contaminant Level process for PFOA and PFOS two of the most well-known and prevalent PFAS chemicals. The United States Environmental Protection Agency is also gathering and evaluating information to determine if regulation is appropriate for a broader class of PFAS; and

Whereas, In accordance with §7321 of the National Defense Authorization Act for Fiscal Year 2020 (P.L. 116-92), the United States Environmental Protection Agency added 160 per-and polyfluoroalkyl substances (PFAS) to the Emergency Planning and Community Right-to-Know Act's §313 list of reportable chemicals. Since January 1, 2020, Industry reporters have been required to track and collect data on the listed PFAS with the first Toxics Release Inventory (TRI) report due by July 1, 2021. Federal law requires industry to report this information to: (1) The State Emergency Response Commission, which in West Virginia is the West Virginia Division of Homeland Security and Emergency Management; (2) the Local Emergency Planning Committee; and (3) the fire department with jurisdiction over the affected facility; and

Whereas, It is in the public interest for West Virginia to identify the presence and prevalence of specific PFAS chemicals in and near drinking water supplies to protect the health of West Virginians; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Department of Environmental Protection and the Department of Health and Human Resources cooperatively propose and initiate a public source-water supply study plan to sample perfluoroalkyl and polyfluoroalkyl substances for all community water systems in West Virginia, including schools and daycares that operate treatment systems regulated by the West Virginia Department of Health and Human Resources; and, be it

Further Resolved, That the purpose of the PFAS public source-water supply study plan is to inform state regulatory agencies about the distribution of PFAS contamination and potential PFAS contamination in public drinking water sources using data of known quality. Specific objectives of the PFAS public source-water supply study plan shall include: (1) Identifying the drinking water supplies in West Virginia that have measurable amounts of PFOS, PFOA, and related PFAS compounds in their raw source-water; (2) Determining if there are geochemical, watershed, industrial use, land use, or geohydrologic factors or processes that affect the presence of these compounds in public source-water supplies; (3) Informing state agencies and the public of any need for additional PFAS investigation, such as sampling of domestic wells; and (4) Assisting state regulatory agencies in protecting public health by providing risk-based information on statewide PFAS distribution in source water; and, be it

Further Resolved, That any entity required to report PFAS compounds based on the TRI reporting requirements listed above shall also report that information to the Department of Environmental Protection by July 1, 2021.

Further Resolved, That the Department of Environmental Protection and the Department of Health and Human Resources report to the Joint Legislative Oversight Committee on State Water Resources semi-annually beginning in the fiscal year 2021, on its findings, conclusions, and recommendations.

Resolutions Introduced

Delegates Boggs, D. Jeffries, Hartman, Diserio, Skaff, Byrd, Hornbuckle, Lovejoy, Criss, Householder and Summers offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 105 - "Requesting the Division of Highways name bridge number 20-079/00-005.56 (NB) (20A500), (38.41964, -81.54456), locally known as I-79 Coopers Creek Overpass NB-SB, carrying I-79 over CR 41 in Kanawha County, the 'U. S. Air Force Colonel Rishel C. Walker Memorial Bridge'."

Whereas, Rishel C. Walker was born at home in Tupper's Creek, on September 27, 1929, the third child of Breman and Beulah Walker. He was the first person in his family to graduate from high school. He was a graduate from Elkview High School. He attended Morris Harvey and West Virginia State Colleges; and

Whereas, He joined the West Virginia Air National Guard upon graduation from high school. He was activated during the Korean War and also served in the Air Force. He received the rank of Colonel upon retirement in 1987; and

Whereas, Colonel Rishel C. Walker died at the age of 89 on February 15, 2019. He was survived by his loving wife, Sandra R. Walker and children Jean Boggs (Husband, Delegate Brent), John Walker (Wife Rebecca), Nicole Kuhl (Husband Chris), and Natalie Gilham (Husband Tom), and grandchildren and great grandchildren; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Air Force Colonel Rishel C. Walker and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number: 20-079/00-005.56 (NB) (20A500), (38.41964, -81.54456) locally known as I-79 Coopers Creek Overpass NB-SB, carrying I-79 over CR 41 in Kanawha County, the "U. S. Air Force Colonel Rishel C. Walker Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the "U. S. Air Force Colonel Rishel C. Walker Memorial Bridge"; and, be it

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

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

H. C. R. 106 - "Requesting the Division of Highways informally name Keyser Street in Wayne, in Wayne County, the 'U. S. Navy, Water Tender 3rd Class, V-6, Lewis Glenn Mills Memorial Boulevard'."

Whereas, Lewis Glenn Mills was born on October 24, 1922, in a log cabin on Ed's Branch in East Lynn, West Virginia. He was the ninth born of the 11 Mills children in his family. His father passed away when he was just seven years old. When he was 14 years old, he left school and home to work in the Civilian Conservation Corps to support his family during the Great Depression. He worked on Black Mountain, in Pocahontas County, WV, and helped cut timbers for the railroad until he enlisted in the United States Navy at the age of 21; and

Whereas, In 1943, Lewis Glenn was stationed on the U.S.S. Sims where he served as a gunner to a 40 caliber machine gun, and a Water Tender when his ship was not in duress. His ship escorted supply ships from New York to Derry, Ireland for almost two years. During this time, his boat protected the supply ships against Nazi submarines (U-Boats). His ship was then reassigned to the Pacific when the theater of war shifted from Europe to Asia in 1944. He spent over one year in the hospital recovering from his wounds and extreme exposure, after he was severely wounded in 1944; and

Whereas, Lewis Glenn was honorably discharged from the U. S. Navy on April 28, 1945, and returned home to Wayne, West Virginia. He mined coal in East Lynn, but soon decided to go back to school to make a better living. He attended Marshall College where he obtained a bachelor's degree in elementary education then his master's degree in School Administration. He taught elementary school at Hobbs Elementary, Dunlow Elementary, Genoa Elementary and East Lynn Elementary. He then became principal at Dunlow Elementary and Genoa Elementary; and

Whereas, Lewis Glenn served in the West Virginia House of Delegates from 1961 to 1964 and was a member of West Virginia's Centennial House. One of his accomplishments included cosponsoring of the bill that made Marshall College, Marshall University. He then ran for Assessor for Wayne County and won his next six elections, serving a total of 24 years as the Assessor of Wayne County. During those years, Lewis Glenn also served as an EMT for Wayne County 911, was a member of the Odd Fellows, served as Chairman of the Board of Prestera, and was designated a Silver Leader of the Disabled American Veterans or D.A.V. On June 12, 1982, he was appointed by A. James Manchin as West Virginia's Ambassador of Humanitarianism. Lewis Glenn was an avid supporter of mental health and the working class during his entire tenure as a public servant; and

Whereas, Lewis Glenn Mills retired with over 40 years of public service in 1988 and enjoyed being with his wife Erma Ferguson Mills and family until he passed away February 11, 2010, at the age of 87, at his home on Keyser Street where he resided for nearly six decades; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Navy, Water Tender 3rd Class V-6 Lewis Glenn Mills and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to informally name Keyser Street, in Wayne, in Wayne County, the "U. S. Navy, Water Tender 3rd Class, V-6, Lewis Glenn Mills Memorial Boulevard"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the street as the "U. S. Navy, Water Tender 3rd Class, V-6, Lewis Glenn Mills Memorial Boulevard"; 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 Robinson, Estep-Burton and Rowe offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 107 - "Requesting the Division of Highways name bridge number: 20-060/00-028.94 (20A347), (38.22929, -81.53375) locally known as 13th St. Overpass, carrying US 60 over CR 60/18 in Kanawha County, the 'U. S. Army SSG Elson M. Kuhn Memorial Bridge'."

Whereas, Elson Merrill Kuhn, was born on September 28, 1921, in Bim, West Virginia and attended Van High School, served in the First Cavalry Division, U. S. Army, in the Pacific Theater comprising of the Philippines, New Guinea, New Caledonia and the occupation force in Japan during World War II as duration duty orders entering in 1942 and honorably discharged as a Staff Sergeant on January 14, 1946; and

Whereas, After serving in the Army four years, Elson returned to West Virginia to work for the coal industry in an industrial baseball league which was popular after the post-war era and remained employed in the mining industry for a forty-year career after the coal company sought his talents as an electrician, of which he became licensed by the State and Federal government; and

Whereas, Before his army career, during his working life, and after his retirement, Elson contributed significantly to the build and upkeep of Kanawha State Forest through his membership in the Civilian Conservation Corps No. 2599 S76 Camp at Kanawha State Forest in assisting in building the recreation areas and the infrastructure, including the dam, roads, fire towers, bridges, restrooms, picnic shelters, and the log home of the superintendent in addition to raising funds, building shelters, replacing dilapidated foot bridges, and holding reunions at Kanawha State Forest; and

Whereas, Elson Merrill Kuhn, died after a long illness, Tuesday, September 9, 2003, at Hubbard Hospice House in Charleston, West Virginia. He died at the age of 81, leaving behind a wife of 56 years, seven children, 11 grandchildren, eight great-grandchildren, two siblings and many nieces and nephews; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army SSG Elson M. Kuhn and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number: 20-060/00-028.94 (20A347), (38.22929, -81.53375) locally known as 13th St Overpass, carrying US 60 over CR 60/18 in Kanawha County, the "U. S. Army SSG Elson M. Kuhn Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the "U. S. Army SSG Elson M. Kuhn Memorial Bridge"; and, be it

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

Delegates Canestraro, Fluharty, Zukoff, Storch, McGeehan, Diserio, Pethtel and Swartzmiller offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 108 - "Requesting the Division of Highways name that portion of WV Route 2 beginning at milepost 19.50 and ending at milepost 19.53 in Marshall County the 'U. S. Navy PO3 Heath 'Scrappy' Shilling Memorial Road'."

Whereas, U. S. Navy Petty Officer 3rd Class Heath "Scrappy" Shilling was born on December 13, 1979, in Glen Dale, West Virginia to Don and Rosa Shilling; and

Whereas, Petty Officer Shilling graduated from Moundsville's John Marshall High School in 1998 where he ran track, played football and was a member of the pole-vaulting team. He also played American Legion baseball; and

Whereas, Petty Officer Shilling joined the U. S. Navy in August 1998. Following boot camp in Great Lakes, Illinois, he was stationed in Pensacola, Florida for training to become an aviation mechanic with a specialty in hydraulic systems. Petty Officer Shilling was initially assigned to Helicopter Squadron Four in Norfolk, Virginia, and was placed at the Aircraft Intermediate Maintenance Department. While there he was on the department's baseball team and played numerous other Navy teams as well as teams from the other service branches; and

Whereas, Petty Officer Shilling was always going out of his way to help others. During an evening downpour in Virginia he came upon a fellow sailor whose truck had broken down. Petty Officer Shilling not only stopped to help, but after assessing the situation determined what was wrong, got the part and returned to repair the truck. Another time Petty Officer Shilling discovered an elderly couple alongside an interstate highway whose car had run out of gas. As he always carried a spare can of fuel, he was able to get them back on the road, and followed them to the nearest gas station to make sure they safely made it there; and

Whereas, Having already been selected as a Junior Sailor of the Quarter for the Norfolk Naval Air Station, Petty Officer Shilling was again in the running for that honor when, on July 15, 2001, as he was returning to his off-base apartment in Chesapeake, Virginia he died in a motorcycle accident. His body was interred on July 21, 2001, at the Riverview Cemetery in Moundsville with full military honors; and

Whereas, It is a fitting tribute to U. S. Navy Petty Officer 3rd Class Heath "Scrappy" Shilling 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 WV Route 2 beginning at milepost 19.50 and ending at milepost 19.53 in Marshall County the "U. S. Navy PO3 Heath "Scrappy" Shilling 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 "U. S. Navy PO3 Heath 'Scrappy' Shilling 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 Byrd and Skaff offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 109 - "Requesting the Division of Highways name bridge number: 20-060/00-013.32 (20A342), (38.36599, -81.68053) locally known as CARBIDE OVERPASS, carrying U. S. 60 over CSX RR CARBIDE ENTRANCE in Kanawha County, the 'U. S. Airman Thomas Harry Honaker, Jr. Memorial Bridge'."

Whereas, Thomas Harry Honaker, Jr. was born in South Charleston, West Virginia in 1922 and graduated from South Charleston High School; and

Whereas, Thomas Harry Honaker, Jr. entered the United States Air Force in 1942 and trained in Texas before being deployed; and

Whereas, Airman Thomas Harry Honaker, Jr. became missing in action in the north Atlantic in April of 1943 and was later declared dead; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Airman Thomas Harry Honaker, Jr. and his sacrifice during World War II, and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number: 20-060/00-013.32 (20A342), (38.36599, -81.68053) locally known as CARBIDE OVERPASS, carrying U. S. 60 over CSX RR CARBIDE ENTRANCE in Kanawha County, the "U. S. Airman Thomas Harry Honaker, Jr. Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Airman Thomas Harry Honaker, Jr. Memorial Bridge"; and, be it

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

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

H. C. R. 110 - "Requesting the Division of Highways name the Moorefield Exit on Corridor H, U. S. Route 48, the 'Speaker Clyde M. See, Jr. Exit'."

Whereas, Clyde McNeill See, Jr. was born on October 20, 1941, in South Fork in Hardy County, West Virginia; and

Whereas, Clyde was the son of the late Clyde McNeill See, Sr., and Minnie Alice Crites See. Clyde's father spent his entire life working as a farm hand and his mother worked as a school teacher until her untimely death when Clyde was a child, leaving his dad to raise Clyde and his sister Snow; and

Whereas, Clyde dropped out of Moorefield High School when he was 16 years old to join the U. S. Army. While stationed in Hawaii, Clyde completed the Army Ranger School on a dare by his executive officer. In addition, Clyde completed his GED while serving on active duty and he left the Army as a Corporal E-4; and

Whereas, Upon his return to West Virginia, Clyde used the G.I. Bill and attended his first year of college at Concord College, or as he referred to it U.C.L.A. - The University of Concord Located in Athens. Following his freshman year, Clyde transferred to West Virginia University and obtained his undergraduate degree in English in 1967. He went on to graduate from the West Virginia School of Law in 1970; and

Whereas, Following his graduation from law school, Clyde returned to Moorefield and for the next 47 years very proudly practiced law as a "country lawyer" while raising his family. For many of these years, Clyde served as a member of the Moorefield Volunteer Fire Department; and

Whereas, In 1974, Clyde was first elected to the West Virginia House of Delegates and began a rapid rise in the ranks of House leadership by becoming Vice-Chairman of the Judiciary Committee in his first term. During his second term, he was Majority Leader and in 1978 he was elected Speaker, a position he held for six years; and

Whereas, In 1984 Clyde ran for Governor of West Virginia, won the Democratic nomination for Governor, but fell short in the General Election, and then again ran for Governor in 1988, but once again fell short; and

Whereas, During his tenure in the West Virginia House of Delegates he became known for his quick wit, tell-it-like-it-is approach to dealing with members and lobbyists, being a stickler for proper use of the procedural rules of the Legislature, and a willingness to correct any wayward member on any rules transgression with clarity and firmness; and

Whereas, Clyde was also admired for and was singularly unique in his amazing storytelling and joke abilities, his contagious belly-rolling laugh, compassionate nature, which made him a joy to his friends and family and will never to be forgotten by those who knew him; and

Whereas, To this day, two of Clyde's jokes, one "that in the Legislature, fat possums travel late at night," and the other "that Delegates being elected to the Senate raises the IQ of both bodies" are still regularly invoked; and

Whereas, Although Clyde was often known for his brashness, he was also known as a tireless advocate for his county, with great love and a pure vision of the goodness of our state and its people, and he held in the highest esteem our system of government, and the important role of the Legislature in making our great state better for its citizens; and

Whereas, His innumerable contributions and dedication to the state and county he loved created a legacy for his family of a life well lived, done with gusto and compassion of which his children and grandchildren can cherish and always be proud; and

Whereas, Sadly, the Honorable Clyde McNeill See, Jr. passed away on Sunday, April 6, 2017 at home with his family by his side, leaving behind his four children, Jennifer, Joshua, Lucas and Amy, and his 7 grandchildren, Jordan, Olivia, Shelby, Marin, Darah, Margo and Jackson; *therefore, be it*

Resolved by the House of Delegates:

That the Division of Highways is hereby requested to name the Moorefield Exit on Corridor H, U. S. Route 48, the "Speaker Clyde M. See, Jr. Exit"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the "Speaker Clyde M. See, Jr. Exit"; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of the Division of Highways and to the family of the Honorable Mr. Speaker, Clyde McNeill See, Jr.

And,

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

H. C. R. 111 - "Requesting the Division of Highways name bridge number 10-077/00-061.20 (10A237), (37.98696, -81.30559) locally known as Turnpike Bridge, carrying I-77, I-64 over Milburn Creek in Fayette County, the 'U. S. Air Force Major Mary Lafferty Coll, D.O. Memorial Bridge'."

Whereas, Mary Lafferty Coll was born March 8, 1969, in Raleigh County to Billie B. and Mary Ellen Lafferty and was reared in Fayette County by a second-generation coal mining family; and

Whereas, Mary Lafferty Coll won the Golden Horseshoe Award in middle school; and

Whereas, She served in the U. S. Air Force until she was given an honorable medical discharge for a heart condition; and

Whereas, Despite being a battered and single mother of two children, she worked to put herself through college and graduated pre-med from the College of West Virginia and graduated as a Doctor of Osteopathy from the West Virginia School of Osteopathic Medicine; and

Whereas, She became a family practice doctor; and

Whereas, Mary Lafferty Coll died January 7, 2015, and was buried in the Willis Branch Cemetery; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Air Force Major Mary Lafferty Coll and her 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 10-077/00-061.20 (10A237), (37.98696, -81.30559) locally known as Turnpike Bridge, carrying I-77, I-64 over Milburn Creek in Fayette County, the "U. S. Air Force Major Mary Lafferty Coll Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Air Force Major Mary Lafferty Coll Memorial Bridge”; and, be it

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

Bills Introduced

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

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 4972 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2020, to the Department of Health and Human Resources, Division of Human Services, Energy Assistance, fund 8755, fiscal year 2020, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 4973 - “A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2020, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2020, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 4974 - “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 Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, fund 5214, fiscal year 2020, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020”; to the Committee on Finance.

Special Calendar

Third Reading

Com. Sub. for H. B. 2088, Relating to admissibility of certain evidence in a civil action for damages; 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. 305**), and there were—yeas 45, nays 54, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Atkinson, Azinger, Barnhart, Bibby, Capito, Cooper, Criss, Ellington, Espinosa, Foster, Graves, Hamrick, Hanna, Hardy, Hartman, Higginbotham, Hill, Hott, Householder, Howell, D. Jeffries, Kessinger, Linville, Mandt, C. Martin, P. Martin, McGeehan, Nelson, Pack, Pethtel, Phillips, Porterfield, Queen, Rohrbach, Rowan, Shott, Staggers, Storch, Summers, Waxman, Westfall, Wilson, Worrell, Hanshaw (Mr. Speaker).

Absent and Not Voting: Cowles.

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. 2088) rejected.

Com. Sub. for H. B. 2149, Relating to the Farm-To-Food Bank Tax Credit; 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. 306**), 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: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2149) 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. 2646, Providing a safe harbor for employers to correct underpayment or nonpayment of wages and benefits due to separated employees; 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. 307**), and there were—yeas 51, nays 48, absent and not voting 1, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2646) 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. 4019, Downstream Natural Gas Manufacturing Investment Tax Credit 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. 308**), and there were—yeas 87, nays 12, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates, S. Brown, Diserio, Doyle, Fleischauer, Fluharty, Hansen, Lavender-Bowe, Pushkin, Pyles, Rowe and Walker.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4019) 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. 4354, Adding nabiximols to the permitted list of distributed and prescribed drugs; 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. 309**), 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: Byrd, Cowles and Householder.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4354) passed.

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

H. B. 4354 - “A Bill to amend and reenact §60A-2-201 of the Code of West Virginia, 1931, as amended, relating to drugs; and providing that the sale, wholesale, distribution or prescribing of nabiximol in a product approved by the Food and Drug Administration is permitted and shall be placed on the schedules of controlled substances or descheduled as provided for by the Drug Enforcement Administration.”

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. 4360, Exempting certain persons from heating, ventilating, and cooling system licensing requirements; 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. 310**), and there were—yeas 63, nays 35, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bates, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Lovejoy, Miller, Paynter, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Sponaule, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Cadle and Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4360) 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. 4377, The Protection of Vulnerable Adults from Financial Exploitation 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. 311**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: McGeehan and Wilson.

Absent and Not Voting: Cadle, Cowles and Miley.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4377) 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. 4396, Relating to reporting suspected governmental fraud; 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. 312**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Cowles and Foster.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4396) 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. 4409, Relating to transferring remaining funds from the Volunteer Fire Department Workers' Compensation Premium Subsidy 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. 313**), 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: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4409) 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. 4421, Natural Gas Liquids Economic Development 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. 314**), and there were—yeas 85, nays 14, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates, S. Brown, Doyle, Estep-Burton, Fleischauer, Hansen, Hicks, Pushkin, Rowe, Sponaugle, Staggers, R. Thompson, Walker and Williams.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4421) 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. 4433, Relating to deeds of trust; 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. 315**), and there were—yeas 80, nays 19, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bates, S. Brown, Doyle, Fast, Fleischauer, Fluharty, Hansen, Hicks, Miller, Pushkin, Pyles, Robinson, Rodighiero, Rowe, C. Thompson, R. Thompson, Tomblin, Walker and Williams.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4433) 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. 4447, Creating the shared table initiative for senior citizens who suffer from food insecurity; 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. 316**), 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: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4447) 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. 4464, Relating to driving privileges and requirements for persons under the age of 18; 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. 317**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Higginbotham and Summers.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4464) 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. 4606, Listing contractor classifications on a contractor license; 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. 318**), and there were—yeas 73, nays 26, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, N. Brown, S. Brown, Byrd, Canestraro, Caputo, Diserio, Doyle, Fleischauer, Fluharty, Hornbuckle, Lavender-Bowe, Lovejoy, Paynter, Pyles, Robinson, Rohrbach, Rowe, Skaff, Sponaule, Storch, R. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4606) 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. 4715, Authorizing municipalities to take action to grant certain fire department employees limited power of arrest; 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. 319**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Little.

Absent and Not Voting: Cowles, Diserio and Steele.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4715) 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. 4760, Modifying video lottery retailer licensing eligibility requirements; 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. 320**), and there were—yeas 93, nays 5, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Butler, Cadle, Fast, Porterfield and Toney.

Absent and Not Voting: Cowles and Steele.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4760) 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. 4780, Permitting county boards to offer elective courses of instruction on the Bible; 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. 321**), and there were—yeas 73, nays 26, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, S. Brown, Byrd, Canestraro, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hartman, Hill, Hornbuckle, Lovejoy, Miley, Nelson, Pushkin, Pyles, Robinson, Rowe, Skaff, Storch, C. Thompson, Walker and Williams.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4780) 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. 4797, Authorizing municipalities to enact ordinances that allow the municipal court to place a structure, dwelling or building into receivership; 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. 322**), and there were—yeas 93, nays 6, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Bibby, S. Brown, Porterfield, Robinson, Waxman and Wilson.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4797) 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. 4803, Relating to certification of electrical inspectors; 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. 323**), and there were—yeas 57, nays 42, absent and not voting 1, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4803) 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. 4823, Developing a plan for periodic audits of the expenditure of the fees from the emergency 911 telephone system and wireless enhanced 911; 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. 324**), 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: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4823) 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. 4853, Relating to a customer constructing a connection or other infrastructure necessary for the customer to connect to the public utility; 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. 325**), and there were—yeas 60, nays 39, absent and not voting 1, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4853) 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. 4859, Accounting for state funds distributed to volunteer and part-volunteer fire companies and departments; 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. 326**), 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: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4859) 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. 4872, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse; 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. 327**), 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: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4872) 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. 4882, Authorizing limited sampling and limited sale of wine for off-premises consumption to wineries not licensed in the state; 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. 328**), and there were—yeas 80, nays 18, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Azinger, Bartlett, Butler, Fast, Hanna, D. Jeffries, Jennings, J. Kelly, Kump, C. Martin, P. Martin, Pack, Porterfield, Rohrbach, Rowan, Sypolt, Toney and Worrell.

Absent and Not Voting: Cowles and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4882) 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. 4886, Requiring the PSC and the DOH to submit reports concerning activity on the Coal Resource Transportation Road System; 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. 329**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Cadle, Paynter and Wilson.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4886) 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. 4887, Relating to revocation, cancellation, or suspension of business registration certificates; 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. 330**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Paynter and Steele.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4887) 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. 4959, Relating to clarifying the ability of the Economic Development Authority Board of Directors to enter into any contracts necessary to carry out its duties; 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. 331**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan and Wilson.

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4959) 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. 4960, Relating to exempting from licensure as an electrician; 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. 332**), and there were—yeas 51, nays 48, absent and not voting 1, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Cowles.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4960) passed.

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

At 2:38 p.m., the House of Delegates recessed until 2:50 p.m.

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Afternoon Session

* * * * *

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Special Calendar

-continued-

Second Reading

Com. Sub. for S. B. 554, Relating to termination, expiration, or cancellation of oil or natural gas leases; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Energy, was reported by the Clerk and adopted, amending the bill on page two, section nine-b, line thirty-two, by striking out the word "minerals" and inserting in lieu thereof the words "oil and natural gas".

The bill was then ordered to third reading.

Com. Sub. for S. B. 571, Expiring funds from State Excess Lottery Revenue Fund to various accounts; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page two, section one, line eighteen, by striking out the number "2" and inserting in lieu thereof the number "3".

On page two, section one, line nineteen, by striking out “4 Public Defender Corporations – SurplusXXXXX 300,000” in its entirety.

On page two, section one, line twenty, by striking out the number “5” and inserting in lieu thereof the number “6”.

And,

On page two, section one, line twenty, by striking out the number “19,492,998” and inserting in lieu thereof the number “19,792,998”.

The bill was then ordered to third reading.

S. B. 725, Supplemental appropriation to various Department of Education accounts; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 778, Supplemental appropriation expiring funds from State Excess Lottery Revenue Fund to DHHR; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 779, Supplemental appropriation expiring funds in State Excess Lottery Revenue to Department of Veterans’ Assistance; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 780, Supplemental appropriation by decreasing and adding new appropriation out of Treasury to DMAPS; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2478, Modifying the Fair Trade Practices Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 2897, Relating to driving restrictions in school zones; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4159, Relating to the manufacture and sale of hard cider; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page one, immediately following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“CHAPTER 19. AGRICULTURE.

ARTICLE 2. MARKETING AGRICULTURAL PRODUCTS.

§19-2-12. Agriculture Development Fund; administration; purpose; funding.

(a) There is hereby created in the State Treasury a special revenue account to be known as the Agriculture Development Fund. The fund shall be administered by the Department of Agriculture. The fund shall consist of all moneys deposited into the fund pursuant to §60-8A-3 of this code; any moneys that may be designated for deposit in this fund by an act of the Legislature; any moneys appropriated and designated for the fund by the Legislature; any moneys able to be transferred into the fund by authority of the commissioner from other funds; and gifts, donations, and interest or other returns earned from investment of the fund.

(b) Expenditures from the fund shall be for the purpose of fostering and supporting the development of agricultural sectors, such as hard cider, within the state, and are not authorized from collections, but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of §12-3-1 et seq. of this code and upon the fulfillment of the provisions set forth in §11B-2-1 et seq. of this code. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund, but shall remain in the fund and be expended as provided by this section.

§19-2-13. Hard cider development program; purpose; funding.

The commissioner shall establish a program to foster the development and growth of the hard cider industry in the state. The purpose of the program shall be to assist in the development of fruit inputs necessary for the production of hard cider in the state. The program shall be funded using moneys deposited within the Agriculture Development Fund created pursuant to §19-2-12 of this code.

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 1. GENERAL PROVISIONS.

§60-1-5a. Farm wineries defined.

(a) For the purpose of this chapter 'Farm winery' means an establishment where in any year 50,000 gallons or less of wine, which includes hard cider, and nonfortified dessert wine are manufactured exclusively by natural fermentation from grapes, apples, pears, peaches, other fruits or honey, or other agricultural products containing sugar and where port, sherry and Madeira wine may also be manufactured, with 25 percent of such raw products being produced by the owner of such farm winery on the premises of that establishment and no more than 25 percent of such produce originating from any source outside this state. Any port, sherry or Madeira wine manufactured by a winery or a farm winery must not exceed an alcoholic content of 22 percent alcohol by volume and shall be matured in wooden barrels or casks.

(b) Notwithstanding the provisions of subsection (a) of this section, a farm winery may include one off-farm location. The owner of a farm winery may provide to the commissioner evidence, accompanied by written findings by the West Virginia Agriculture Commissioner in support thereof, that the owner has planted on the premises of the farm winery young nonbearing fruit plants. The commissioner may grant permission for one off-farm location in an amount equal to that reasonably expected to be produced when the nonbearing fruit plants planted on the farm winery come into full production. The length of time of the permission to use an off-farm location shall be determined by the commissioner after consultation with the Agriculture Commissioner.

ARTICLE 8. SALE OF WINES

§60-8-2. Definitions.

Unless the context in which used clearly requires a different meaning, as used in this article:

'Commissioner' or 'commission' means the West Virginia Alcohol Beverage Control Commissioner.

'Distributor' means any person whose principal place of business is within the State of West Virginia who makes purchases from a supplier to sell or distribute wine to retailers, grocery stores, private wine bed and breakfasts, private wine restaurants, private wine spas, private clubs, or wine

specialty shops and that sells or distributes nonfortified dessert wine, port, sherry and Madeira wines to wine specialty shops, private wine restaurants, private clubs, or retailers under authority of this article and maintains a warehouse in this state for the distribution of wine. For the purpose of a distributor only, the term 'person' means and includes an individual, firm, trust, partnership, limited partnership, limited liability company, association, or corporation. Any trust licensed as a distributor or any trust that is an owner of a distributor licensee, and the trustee or other persons in active control of the activities of the trust relating to the distributor license, is liable for acts of the trust or its beneficiaries relating to the distributor license that are unlawful acts or violations of this article, notwithstanding the liability of trustees in §44-10-1 *et seq.* of this code.

'Fortified wine' means any wine to which brandy or other alcohol has been added where the alcohol content by volume does not exceed 24 percent, and shall include nonfortified dessert wines ~~which are not fortified having where an the alcohol content by volume of at least 14.1 percent and not exceeding sixteen~~ is greater than 17 percent and does not exceed 24 percent.

'Grocery store' means any retail establishment, commonly known as a grocery store, supermarket, delicatessen, caterer, or party supply store, where food, food products, and supplies for the table are sold for consumption off the premises with average monthly sales (exclusive of sales of wine) of not less than \$500 and an average monthly inventory (exclusive of inventory of wine) of not less than \$3,000. The term 'grocery store' shall also include and mean a separate and segregated portion of any other retail store which is dedicated solely to the sale of food, food products, and supplies for the table for consumption off the premises with average monthly sales with respect to such separate or segregated portion (exclusive of sales of wine) of not less than \$3,000 and an average monthly inventory (exclusive of inventory of wine) of not less than \$3,000.

'Hard Cider' means a type of wine that is derived primarily from the fermentation of apples, pears, peaches, honey, or another fruit, or from apple, pear, peach, or another fruit juice concentrate and water; contains no more than 0.64 grams of carbon dioxide per 100 milliliters; contains at least one half of one percent and less than 12 and one half percent alcohol by volume; and is advertised, labelled, offered for sale, or sold, as hard cider or cider containing alcohol, and not as wine, wine product, or as a substitute for wine.

'Hard Cider Distributor' means any person whose principal place of business is within the State of West Virginia who makes purchases from a supplier to sell or distribute hard cider, but not other types of wine, to retailers, grocery stores, private wine bed and breakfasts, private wine restaurants, private wine spas, private clubs, or wine specialty shops under authority of this code and maintains a warehouse in this state for the distribution of hard cider, but not other types of wine. For the purpose of a hard cider distributor, the term 'person' means and includes an individual, firm, trust, partnership, limited partnership, limited liability company, association, or corporation. Any trust licensed as a distributor or any trust that is an owner of a distributor licensee, and the trustee, or any other person or persons in active control of the activities of the trust relating to the distributor license, is liable for acts of the trust or its beneficiaries relating to the distributor license that are unlawful acts or violations of this article, notwithstanding the liability of trustees in §44-10-1 *et seq.* of this code.

'Licensee' means the holder of a license granted under the provisions of this article.

'Nonfortified dessert wine' means a wine that is a dessert wine to which brandy or other alcohol has not been added, and which has an alcohol content by volume of at least 14.1 percent and less than or equal to 17 percent.

'Person' means and includes an individual, firm, partnership, limited partnership, limited liability company, association or corporation.

'Private wine bed and breakfast' means any business with the sole purpose of providing, in a residential or country setting, a hotel, motel, inn or other such establishment properly zoned as to its municipality or local ordinances, lodging and meals to its customers in the course of their stay at the establishment, which business also: (1) Is a partnership, limited partnership, corporation, unincorporated association, or other business entity which as part of its general business purpose provides meals on its premises to its members and their guests; (2) is licensed under the provisions of this article as to all of its premises or as to a separate segregated portion of its premises to serve wine to its members and their guests when such sale accompanies the serving of food or meals; and (3) admits only duly elected and approved dues-paying members and their guests while in the company of a member and does not admit the general public.

'Private wine restaurant' means a restaurant which: (1) Is a partnership, limited partnership, corporation, unincorporated association, or other business entity which has as its principal purpose the business of serving meals on its premises to its members and their guests; (2) is licensed under the provisions of this article as to all of its premises or as to a separate segregated portion of its premises to serve wine to its members and their guests when such sale accompanies the serving of food or meals; and (3) admits only duly elected and approved dues-paying members and their guests while in the company of a member and does not admit the general public. Such private clubs that meet the private wine restaurant requirements numbered (1), (2), and (3) in this definition shall be considered private wine restaurants.

'Private wine spa' means any business with the sole purpose of providing commercial facilities devoted especially to health, fitness, weight loss, beauty, therapeutic services, and relaxation, and may be also a licensed massage parlor or a salon with licensed beauticians or stylists, which business also: (1) Is a partnership, limited partnership, corporation, unincorporated association, or other business entity which as part of its general business purpose provides meals on its premises to its members and their guests; (2) is licensed under the provisions of this article as to all of its premises or as to a separate segregated portion of its premises to serve up to two glasses of wine to its members and their guests when such sale accompanies the serving of food or meals; and (3) admits only duly elected and approved dues-paying members and their guests while in the company of a member, and does not admit the general public.

'Retailer' means any person licensed to sell wine at retail to the public at his or her established place of business for off-premises consumption and who is licensed to do so under authority of this article.

'Supplier' means any manufacturer, producer, processor, winery, farm winery, national distributor, or other supplier of wine who sells or offers to sell or solicits or negotiates the sale of wine to any licensed West Virginia distributor.

'Table wine' means a wine with an alcohol content by volume between 0.5 percent and 14 percent.

'Tax' includes within its meaning interest, additions to tax, and penalties.

'Taxpayer' means any person liable for any tax, interest, additions to tax, or penalty under the provisions of this article, and any person claiming a refund of tax.

'Varietal wine' means any wine labeled according to the grape variety from which such wine is made.

'Vintage wine' or 'vintage-dated wine' means wines from which the grapes used to produce such wine are harvested during a particular year, or wines produced from the grapes of a particular harvest in a particular region of production.

'Wine' means any alcoholic beverage obtained by the natural fermentation of the natural content of grapes, other fruits, or honey or other agricultural products containing sugar and to which no alcohol has been added and shall include table wine, hard cider, nonfortified dessert wine, wine coolers, and other similar wine-based beverages. ~~shall exclude fortified~~ Fortified wine and ~~shall also exclude~~ any product defined as or embraced within the definition of nonintoxicating beer under the provisions of §11-16-1 *et seq.*, of this code are excluded from this definition of wine.

'Wine specialty shop' means a retailer who shall deal principally in the sale of table wine, nonfortified dessert wines, wine accessories, and food or foodstuffs normally associated with wine and: (1) Who shall maintain a representative number of such wines for sale in his or her inventory which are designated by label as varietal wine, vintage, generic, and/or according to region of production and the inventory shall contain not less than 15 percent vintage or vintage-dated wine by actual bottle count; and (2) who, any other provisions of this code to the contrary notwithstanding, may maintain an inventory of port, sherry, and Madeira wines having an alcoholic content of not more than 22 percent alcohol by volume and which have been matured in wooden barrels or casks. All wine available for sale is for off-premises consumption except where wine tasting or wine sampling is separately authorized by the code.

§60-8-3. Licenses; fees; general restrictions.

(a) No person may engage in business in the capacity of a winery, farm winery, supplier, distributor, retailer, private wine bed and breakfast, private wine restaurant, private wine spa, or wine specialty shop without first obtaining a license from the commissioner, nor shall a person continue to engage in any activity after his or her license has expired, been suspended, or revoked. No person may be licensed simultaneously as a distributor and a retailer. No person, except for a winery or farm winery, may be licensed simultaneously as a supplier and a retailer. No person may be licensed simultaneously as a supplier and a private wine bed and breakfast, private wine restaurant, or a private wine spa. No person may be licensed simultaneously as a distributor and a private wine bed and breakfast, a private wine restaurant, or a private wine spa. No person may be licensed simultaneously as a retailer and a private wine bed and breakfast, a private wine restaurant, or a private wine spa. Any person who is licensed to engage in any business concerning the manufacture, sale, or distribution of wine may also engage in the manufacture, sale, or distribution of hard cider without obtaining a separate hard cider license.

(b) The commissioner shall collect an annual fee for licenses issued under this article as follows:

(1) One hundred fifty dollars per year for a supplier's license;

(2) Two thousand five hundred dollars per year for a distributor's license and each separate warehouse or other facility from which a distributor sells, transfers, or delivers wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of \$2,500 as provided in this subdivision;

(3) One hundred fifty dollars per year for a retailer's license;

(4) Two hundred fifty dollars per year for a wine specialty shop license, in addition to any other licensing fees paid by a winery or retailer holding a license. Except for the amount of the license fee and the restriction to sales of winery or farm winery wines, a winery, or farm winery acting as a wine specialty shop retailer is subject to all other provisions of this article which are applicable to a wine specialty shop retailer as defined in §60-8-2 of this code;

(5) One hundred fifty dollars per year for a wine tasting license;

(6) One hundred fifty dollars per year for a private wine bed and breakfast license. Each separate bed and breakfast from which a licensee sells wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of \$150 as provided in this subdivision;

(7) Two hundred fifty dollars per year for a private wine restaurant license. Each separate restaurant from which a licensee sells wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of \$250 as provided in this subdivision;

(8) One hundred fifty dollars per year for a private wine spa license. Each separate private wine spa from which a licensee sells wine shall be separately licensed and there shall be collected with respect to each location the annual license fee of \$150 as provided in this subdivision;

(9) One hundred fifty dollars per year for a wine sampling license issued for a wine specialty shop under subsection (n) of this section;

(10) No fee shall be charged for a special one-day license under subsection (p) of this section or for a heritage fair and festival license under subsection (q) of this section;

(11) One hundred fifty dollars per year for a direct shipper's license for a licensee who sells and ships only wine and \$250 per year for a direct shipper's license who ships and sells wine, nonfortified dessert wine, port, sherry, or Madeira wines; ~~and~~

(12) Three hundred dollars per year for a multi-capacity winery or farm winery license which enables the holder to operate as a retailer, wine specialty shop, supplier, and direct shipper without obtaining an individual license for each capacity; and

(13) Two hundred fifty dollars per year for a hard cider distributor's license and each separate warehouse or other facility from which a distributor sells, transfers, or delivers hard cider shall be separately licensed and there shall be collected with respect to each location the annual license fee of \$250 as provided in this subdivision.

(c) The license period begins on July 1 of each year and ends on June 30 of the following year and if granted for a less period, the same shall be computed semiannually in proportion to the remainder of the fiscal year.

(d) No retailer may be licensed as a private club as provided by §60-7-1 *et seq.* of this code, except as provided by subsection (k) of this section.

(e) No retailer may be licensed as a Class A retail dealer in nonintoxicating beer as provided by §11-16-1 *et seq.* of this code: *Provided*, That a delicatessen, a caterer, or party supply store which is a grocery store as defined in §60-8-2 of this code and which is licensed as a Class A retail dealer in nonintoxicating beer may be a retailer under this article: *Provided, however*, That any delicatessen, caterer, or party supply store licensed in both capacities must maintain average monthly sales exclusive of sales of wine and nonintoxicating beer which exceed the average monthly sales of nonintoxicating beer.

(f) A wine specialty shop under this article may also hold a wine tasting license authorizing the retailer to serve complimentary samples of wine in moderate quantities for tasting. Such wine specialty shop shall organize a wine taster's club, which has at least 50 duly elected or approved dues-paying members in good standing. Such club shall meet on the wine specialty shop's premises not more than one time per week and shall either meet at a time when the premises are closed to the general public or shall meet in a separate segregated facility on the premises to which the general

public is not admitted. Attendance at tastings shall be limited to duly elected or approved dues-paying members and their guests.

(g) A retailer who has more than one place of retail business shall obtain a license for each separate retail establishment. A retailer's license may be issued only to the proprietor or owner of a bona fide grocery store or wine specialty shop.

(h)(1) The commissioner may issue a license for the retail sale of wine at any festival or fair which is endorsed or sponsored by the governing body of a municipality or a county commission. Such license shall be issued for a term of no longer than 10 consecutive days and the fee for the license shall be \$250 regardless of the term of the license. The application for the license shall contain information required by the commissioner and shall be submitted to the commissioner at least 30 days prior to the first day when wine is to be sold at the festival or fair.

(2) Notwithstanding subdivision (1) of this subsection, if the applicant for the festival or fair license is the manufacturer of said wine, a winery, or a farm winery as defined in §60-1-5a of this code, and the event is located on the premises of a winery or a farm winery, then the license fee is \$50 per festival or fair.

(3) A licensed winery or a farm winery, which has the festival or fair licensee's written authorization and approval from the commissioner, may, in addition to or in conjunction with the festival and fair licensee, exhibit, conduct complimentary tastings, or sell samples not to exceed three, two-fluid ounce, tastings or samples per patron, for consumption on the premises during the operation of a festival or fair only; and may sell wine for off-premises consumption only: *Provided*, That for licensed wineries or farm wineries at a licensed festival or fair the tastings, samples and off-premises sales shall occur under the hours of operation as required in this article, except on Sunday, tastings, samples, and off-premises sales are unlawful between the hours of 2:00 a.m. and 10:00 a.m.

(4) A festival or fair license may be issued to a "wine club" as defined in this subdivision for a license fee of \$250. The festival or fair committee or the governing body shall designate a person to organize a club under a name which includes the name of the festival or fair and the words "wine club". The license shall be issued in the name of the wine club. A licensee may not commence the sale of wine as provided in this subdivision until the wine club has at least 50 dues-paying members who have been enrolled, and to whom membership cards have been issued. Thereafter, new members may be enrolled and issued membership cards at any time during the period for which the license is issued. A wine club licensed under the provisions of this subdivision may sell wine only to its members, and in portions not to exceed eight ounces per serving. The sales shall take place on premises or in an area cordoned or segregated so as to be closed to the general public, and the general public shall not be admitted to the premises or area. A wine club licensee under the provisions of this subdivision may serve complimentary samples of wine in moderate quantities for tasting. A wine club may not make wine purchases from a direct shipper where the wine may be consumed on the licensed premises of any Class A private wine retail license or private club. A wine club which violates the provisions of this subdivision is subject to the penalties in this article.

(5) A licensed winery or farm winery approved to participate in a festival or fair under the provisions of this section and the licensee holding the license, or the licensed winery or farm winery approved to attend a licensed festival or fair, is subject to all other provisions of this article and the rules and orders of the commissioner relating to the license: *Provided*, That the commissioner may by rule or order provide for certain waivers or exceptions with respect to the provisions, rules, or orders as the circumstances of each festival or fair may require, including, without limitation, the right to revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding the provisions §60-8-27 and §60-8-28 of this code: *Provided, however*, That under

no circumstances shall the provisions of §60-8-20(c) or §60-8-20(d) of this code be waived nor shall any exception be granted with respect to those subsections.

(6) A license issued under the provisions of this section and the licensee holding the license are not subject to the provisions of subsection (g) of this section.

(i)(1) The commissioner may issue a special license for the retail sale of wine in a professional baseball stadium. A license to sell wine granted pursuant to this subsection entitles the licensee to sell and serve wine, for consumption in a professional baseball stadium. For the purpose of this subsection, 'professional baseball stadium' means a facility constructed primarily for the use of a major or minor league baseball franchisee affiliated with the National Association of Professional Baseball Leagues, Inc., or its successor, and used as a major or minor league baseball park. Any special license issued pursuant to this subsection shall be for a term beginning on the date of issuance and ending on the next following June 30, and its fee is \$250 regardless of the length of the term of the license. The application for the special license shall contain information required by the commissioner and must be submitted to the commissioner at least 30 days prior to the first day when wine is to be sold at the professional baseball stadium. The special license may be issued in the name of the baseball franchisee or the name of the primary food and beverage vendor under contract with the baseball franchisee. These sales must take place within the confines of the professional baseball stadium. The exterior of the area where wine sales may occur must be surrounded by a fence or other barrier prohibiting entry except upon the franchisee's express permission, and under the conditions and restrictions established by the franchisee, so that the wine sales area is closed to free and unrestricted entry by the general public.

(2) A license issued under this subsection and the licensee holding the license are subject to all other provisions of this article and the rules and orders of the commissioner relating to the special license: *Provided*, That the commissioner may by rule or order grant certain waivers or exceptions to those rules or orders as the circumstances of each professional baseball stadium may require, including, without limitation, the right to revoke or suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding §60-8-27 and §60-8-28 of this code: *Provided, however*, That under no circumstances may §60-8-20(c) or §60-8-20(d) of this code be waived nor shall any exception be granted concerning those subsections.

(3) The commissioner may propose rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to implement this subsection.

(j) A license to sell wine granted to a private wine bed and breakfast, private wine restaurant, private wine spa, or a private club under the provisions of this article entitles the operator to sell and serve wine, for consumption on the premises of the licensee, when the sale accompanies the serving of food or a meal to its members and their guests in accordance with the provisions of this article: *Provided*, That a licensed private wine bed and breakfast, private wine restaurant, private wine spa, or a private club may permit a person over 21 years of age to purchase wine, consume wine, and recork or reseal, using a tamper resistant cork or seal, up to two separate bottles of unconsumed wine in conjunction with the serving of food or a meal to its members and their guests in accordance with the provisions of this article and in accordance with rules promulgated by the commissioner for the purpose of consumption of said wine off premises: *Provided, however*, That for this article, food or a meal provided by the private licensee means that the total food purchase, excluding beverage purchases, taxes, gratuity, or other fees is at least \$15: *Provided further*, That a licensed private wine restaurant or a private club may offer for sale, for consumption off the premises, sealed bottles of wine to its customers provided that no more than one bottle is sold per each person over 21 years of age, as verified by the private wine restaurant or private club, for consumption off the premises. Such licensees are authorized to keep and maintain on their premises a supply of wine in quantities

appropriate for the conduct of operations thereof. Any sale of wine is subject to all restrictions set forth in §60-8-20 of this code. A private wine restaurant may also be licensed as a Class A retail dealer in nonintoxicating beer as provided by §11-16-1 *et seq.* of this code.

(k) With respect to subsections (h), (i), (j), (o), and (p) of this section, the commissioner shall propose rules for promulgation in accordance with §29A-1-1 *et seq.* of this code, including, but not limited to, the form of the applications and the suitability of both the applicant and location of the licensed premises.

(l) The commissioner shall propose rules for promulgation in accordance with the provisions of §29A-1-1 *et seq.* of this code to allow restaurants to serve wine with meals, and to sell wine by the bottle for off-premises consumption as provided in subsection (j) of this section. Each licensed restaurant shall be charged an additional \$100 per year fee.

(m) The commissioner shall establish guidelines to permit wines to be sold in all stores licensed for retail sales.

(n) Wineries and farm wineries may advertise off premises as provided in §17-22-7 of this code.

(o) A wine specialty shop under this article may also hold a wine sampling license authorizing the wine specialty shop to conduct special wine sampling events at a licensed wine specialty shop location during regular hours of business. The wine specialty shop may serve up to three complimentary samples of wine, consisting of no more than two fluid ounces each, to any one consumer in one day. Persons serving the complimentary samples must be 21 years of age and an authorized representative of the licensed wine specialty shop, winery, farm winery, or a representative of a distributor or registered supplier. Distributor and supplier representatives attending wine sampling events must be registered with the commissioner. No licensee, employee, or representative may furnish, give, sell, or serve complimentary samples of wine to any person less than 21 years of age or to a person who is physically incapacitated due to the consumption of alcoholic liquor or the use of drugs. The wine specialty shop shall notify and secure permission from the commissioner for all wine sampling events one month prior to the event. Wine sampling events may not exceed six hours per calendar day. Licensees must purchase all wines used during these events from a licensed farm winery or a licensed distributor.

(p) The commissioner may issue special one-day licenses to duly organized, nonprofit corporations and associations allowing the sale and serving of wine, and may, if applicable, also allow the charitable auctioning of certain sealed bottles of wine for off-premises consumption only, when raising money for athletic, charitable, educational, or religious purposes. "Auction or auctioning", for the purposes of this subsection, means any silent, physical act, or verbal bid auction, whether or not such auction requires in-presence bidding or online Internet-based electronic bidding through a secure application or website, but shall not include any action in violation of §47-20-10, §47-20-11, or §61-10-1 *et seq.* of this code. The license application shall contain information required by the commissioner and shall be submitted to the commissioner at least 30 days prior to the event. Wines used during these events may be donated by, or purchased from, a licensed retailer, a distributor, winery, or a farm winery. A licensed winery or farm winery which is authorized in writing by a representative of the duly organized, nonprofit corporation and association which has obtained the one-day license; is in good standing with the state; and obtains the commissioner's approval prior to the one-day license event may, in conjunction with the one-day licensee, exhibit, conduct complimentary tastings, or sell samples not to exceed of three, two-fluid ounce tastings or samples per patron, for consumption on the premises during the operation of the one-day license event; and may sell certain sealed wine bottles manufactured by the licensed winery or farm winery for off-premises consumption: *Provided*, That for a licensed winery or farm winery at a licensed one-day

event, the tastings, samples and off-premises sales shall occur under the hours of operation as required in this article, except on Sunday, tastings, samples, and off-premises sales are unlawful between the hours of 2:00 a.m. and 10:00 a.m., from the one-day licensee's submitted floor plan for the event subject to the requirements in the code and rules. Under no circumstances may the provisions of §60-8-20(c) or §60-8-20(f) of this code be waived nor may any exception be granted with respect to those subsections. No more than six licenses may be issued to any single licensee during any calendar year.

(q) The commissioner may issue special licenses to heritage fairs and festivals allowing the sale, serving, and sampling of wine from a licensed farm winery. The license application shall contain information required by the commissioner and shall be submitted to the commissioner at least 30 days prior to the event. Wines used during these events may be donated by or purchased from a licensed farm winery. Under no circumstances may the provision of §60-8-20(c) of this code be waived nor may any exception be granted with respect thereto. The commissioner shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code to implement the provisions of this subsection.

(r)(1) The commissioner may issue a special license for the retail sale of wine in a college stadium. A license to sell wine granted pursuant to this subsection entitles the licensee to sell and serve wine for consumption in a college stadium. For the purpose of this subsection, 'college stadium' means a facility constructed primarily for the use of a Division I, II, or III college that is a member of the National Collegiate Athletic Association, or its successor, and used as a football, basketball, baseball, soccer, or other Division I, II, or III sports stadium. A special license issued pursuant to this subsection shall be for a term beginning on the date of its issuance and ending on the next following June 30, and its fee is \$250 regardless of the length of the term of the license. The application for the special license shall contain information required by the commissioner and must be submitted to the commissioner at least 30 days prior to the first day when wine is to be sold. The special license may be issued in the name of the National Collegiate Athletic Association Division I, II, or III college or university or the name of the primary food and beverage vendor under contract with that college or university. These sales must take place within the confines of the college stadium: *Provided*, That the exterior of the area where wine sales may occur must be surrounded by a fence or other barrier prohibiting entry except upon the college or university's express permission, and under the conditions and restrictions established by the college or university, so that the wine sales area is closed to free and unrestricted entry by the general public.

(2) A license issued under this subsection and the licensee are subject to the other requirements of this article and the rules and orders of the commissioner relating to the special license: *Provided*, That the commissioner may by rule or order grant certain waivers or exceptions to those rules or orders as the circumstances of each the college stadium may require, including, without limitation, the right to revoke or immediately suspend any license issued pursuant to this section prior to any notice or hearing notwithstanding §60-8-27 and §60-8-28 of this code: *Provided, however*, That §60-8-20(c) or §60-8-20(d) of this code may not be waived, nor shall any exception be granted concerning those subsections.

(3) The commissioner may propose rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to implement this subsection.

§60-8-4. Liter tax.

There is hereby levied and imposed on all wine sold after July 1, 2007, by suppliers to distributors, and including all wine sold and sent to West Virginia adult residents from direct shippers, except wine sold to the commissioner, a tax of twenty-six and four hundred six-thousandths cents per liter.

Effective July 1, 2020, hard cider is excepted from this per liter tax and is taxed pursuant to §60-8A-3 of this code.

Before the 16th day of each month thereafter, every supplier, distributor and direct shipper shall make a written report under oath to the Tax Commissioner and the commissioner showing the identity of the purchaser, the quantity, label and alcoholic content of wine sold by the supplier to West Virginia distributors or the direct shipper to West Virginia adult residents during the preceding month and at the same time shall pay the tax imposed by this article on the wine sold to the distributor or the West Virginia adult residents during the preceding month to the Tax Commissioner.

The reports shall contain other information and be in the form the Tax Commissioner may require. For purposes of this article, the reports required by this section shall be considered tax returns covered by the provisions of §11-10-1 *et seq.* of this code. Failure to timely file the tax returns within five calendar days of the 16th day of each month will also subject a supplier, distributor and direct shipper to penalties under §60-8-18 of this code.

No wine imported, sold or distributed in this state or sold and shipped to this state by a direct shipper shall be subject to more than one liter tax.

§60-8-18. Revocation, suspension, and other sanctions which may be imposed by the commissioner upon the licensee; procedure for appealing any final order of the commissioner which revokes, suspends, sanctions, or denies the issuance or renewal of any license issued under this article

(a) The commissioner may on his or her own motion, or shall on the sworn complaint of any person, conduct an investigation to determine if any provisions of this article or any rule promulgated or any order issued by the commissioner has been violated by any licensee. After investigation, the commissioner may impose penalties and sanctions as set forth below.

(1) If the commissioner finds that the licensee has violated any provision of this article or any rule promulgated or order issued by the commissioner, or if the commissioner finds the existence of any ground on which a license could have been refused, if the licensee were then applying for a license, the commissioner may:

(A) Revoke the licensee's license;

(B) Suspend the licensee's license for a period determined by the commissioner not to exceed 12 months; or

(C) Place the licensee on probation for a period not to exceed 12 months; and

(D) Impose a monetary penalty not to exceed \$1,000 for each violation where revocation is not imposed.

(2) If the commissioner finds that a licensee has willfully violated any provision of this article or any rule promulgated or any order issued by the commissioner, the commissioner shall revoke the licensee's license.

~~(b) If a supplier or distributor fails or refuses to keep in effect the bond required by section twenty-nine of this article, the commissioner shall automatically suspend the supplier or distributor's license until the bond required by section twenty of this article is furnished to the commissioner, at which time the commissioner shall vacate the suspension~~

~~(e)~~ (b) Whenever the commissioner refuses to issue a license, or suspends or revokes a license, places a licensee on probation, or imposes a monetary penalty, he or she shall enter an order to that effect and cause a copy of the order to be served in person or by certified mail, return receipt requested, on the licensee or applicant.

~~(d)~~ (c) An applicant or licensee, as the case may be, adversely affected by the order has a right to a hearing before the commissioner if a written demand for hearing is served upon the commissioner within 10 days following the receipt of the commissioner's order by the applicant or licensee. Timely service of a demand for a hearing upon the commissioner operates to suspend the execution of the order with respect to which a hearing has been demanded, except an order suspending a license under the provisions of ~~subsection (b) of this section~~ §60-8-29 of this code. The person demanding a hearing shall give security for the cost of the hearing in a form and amount as the commissioner may reasonably require. If the person demanding the hearing does not substantially prevail in the hearing or upon judicial review thereof as provided in ~~subsections (g) and (h)~~ (f) and (g) of this section, then the costs of the hearing shall be assessed against him or her by the commissioner and may be collected by an action at law or other proper remedy.

~~(e)~~ (d) Upon receipt of a timely served written demand for a hearing, the commissioner shall immediately set a date for the hearing and notify the person demanding the hearing of the date, time, and place of the hearing, which shall be held within 30 days after receipt of the demand. At the hearing the commissioner shall hear evidence and thereafter enter an order supporting by findings of facts, affirming, modifying, or vacating the order. Any such order is final unless vacated or modified upon judicial review thereof.

~~(f)~~ (e) The hearing and the administrative procedure prior to, during, and following the hearing shall be governed by and in accordance with the provisions of §29A-5-1 et seq. of this code.

~~(g)~~ (f) Notwithstanding the provisions of §29A-5-4(b) of this code, an applicant or licensee adversely affected by a final order entered following a hearing has the right of judicial review of the order code in the Circuit Court of Kanawha County or the circuit court in the county where the proposed or licensed premises is located and will or does conduct sales: *Provided*, That in all other respects, such review shall be conducted in the manner provided in chapter 29A of this code. The petition for the review must be filed with the circuit court within 30 days following entry of the final order issued by the commissioner. An applicant or licensee obtaining judicial review is required to pay the costs and fees incident to transcribing, certifying, and transmitting the records pertaining to the matter to circuit court.

~~(h)~~ (g) The judgment of the circuit court reviewing the order of the commissioner is final unless reversed, vacated, or modified on appeal to the Supreme Court of Appeals in accordance with the provisions of §29A-6-1 of this code.

~~(i)~~ (h) Legal counsel and services for the commissioner in all proceedings in any circuit court and the Supreme Court of Appeals shall be provided by the Attorney General or his or her assistants and in any proceedings in any circuit court by the prosecuting attorney of that county as well, all without additional compensation.

§60-8-29. Bond Affidavit of compliance required of distributors and suppliers.

Each applicant for a distributor's license or a supplier's license shall furnish at the time of application ~~a bond with a corporate surety authorized to transact business in this state, payable to the state, and conditioned on the payment of all taxes and fees herein prescribed and on the faithful performance of and compliance with the provisions of this article. The penal sum of the bond for~~

distributors shall be \$10,000 and the penal sum of the bond for suppliers shall be \$10,000. Each distributor shall be required to furnish separate bond for each location or separate place of business from which wine is distributed, sold or delivered. Revocation or forfeiture of the bond furnished for any such location may, in the discretion of the commissioner, cause the revocation or forfeiture of all such bonds furnished by the distributor suffering such revocation or forfeiture an affidavit of compliance with federal and state laws regarding tied house laws, trade practice requirements, and furnishing things of value requirements set forth in the code and the rules. Further, licensed distributors and suppliers who fail to pay their taxes to the Tax Commissioner or who are not otherwise in good standing with the state and its agencies shall be suspended upon 10 days' written notice by the commissioner. If the payment of taxes or good standing is not completed in 30 days from the date of suspension of the licensee's license, then the licensee's license shall be revoked pursuant to the requirements of this article as it is a privilege to hold a license.

ARTICLE 8A. MANUFACTURE AND SALE OF HARD CIDER.

§60-8A-1. Definition of Hard Cider.

'Hard Cider' means a type of wine that is derived primarily from the fermentation of apples, pears, peaches, honey, or other fruit, or from apple, pear, peach or other fruit juice concentrate and water; contains no more than 0.64 grams of carbon dioxide per 100 milliliters; contains at least one half of one percent and less than 12 and one half percent alcohol by volume; and is advertised, labelled, offered for sale, or sold, as hard cider or cider containing alcohol, and not as wine, wine product, or as a substitute for wine.

§60-8A-2. Applicability of other laws and licenses.

(a) Except as stated in this article, all wine licenses and other wine requirements set forth in §60-8-1 et seq., §60-4-3b, and §60-6-2, of this code, shall apply to the manufacture, distribution, or sale of hard cider. Any person or licensee legally authorized to manufacture, distribute, or sell wine may manufacture, distribute, or sell hard cider in the same manner and to the same persons, and subject to the same limitations and conditions, as such license or legal right authorizes him or her to manufacture, distribute, or sell wine. No additional wine license fees shall be charged for the privilege of manufacturing, distributing, or selling hard cider.

(b) Except as stated in this article, all hard cider distributors are bound by all wine requirements set forth in §60-8-1 et seq., §60-4-3b, and §60-6-2, of this code which shall apply to distribution of hard cider. Any person or licensee legally authorized to distribute hard cider may distribute hard cider in the same manner and to the same persons, and subject to the same limitations and conditions, as a license or legal right would authorize him or her to distribute wine. No additional hard cider license fees shall be charged for the privilege of distributing hard cider.

§60-8A-3. Taxation; reporting; deposits into Agriculture Development Fund; penalties for failure to file returns.

(a) There is hereby levied and imposed on all hard cider sold on and after July 1, 2020, by wineries, farm wineries, and suppliers to distributors, and including all hard cider sold and sent to West Virginia adult residents from direct shippers, a tax of 22 and six-tenths cents per gallon, in like ratio for any partial gallon or other unit of measure: *Provided*, That wineries, farm wineries, and suppliers eligible for federal tax credits in 26 U.S.C. 5041(c)(1) shall be eligible for such credits in this state. Hard cider is exempt from the liter tax established under §60-8-4 of this code.

(b) All taxes for hard cider collected pursuant to this section shall be deposited in the Agriculture Development Fund established by §19-2-12 of this code.

(c) Before the 16th day of each month thereafter, every winery, farm winery, and supplier, distributor and direct shipper shall make a written report under oath to the Tax Commissioner and the commissioner showing the identity of the purchaser, the quantity, label and alcoholic content of hard cider sold by the winery, farm winery, and supplier to West Virginia distributors or the direct shipper to West Virginia adult residents during the preceding month and at the same time shall pay the tax imposed by this article on the hard cider sold to the distributor or the West Virginia adult residents during the preceding month to the Tax Commissioner.

The reports shall contain other information and be in the form the Tax Commissioner may require. For purposes of this article, the reports required by this section shall be considered tax returns covered by the provisions of §11-10-1 et seq. of this code. Failure to timely file the tax returns within five calendar days of the 16th day of each month will also subject a winery, farm winery, supplier, distributor and direct shipper to penalties under §60-8-18 of this code.

(d) No hard cider imported, sold or distributed in this state or sold and shipped to this state by a direct shipper shall be subject to more than one per-gallon tax on hard cider.

§60-8A-4. Fruit sources; phase in; applications.

(a) On and after July 1, 2020, pursuant to §60-3-25 of this code, any farm winery attempting to manufacture hard cider may submit an application to the Agriculture Commissioner with a copy to the commissioner showing its inability to obtain from within this state 75 percent of the apples, pears, peaches, honey, or other fruits necessary to produce its hard cider. The Agriculture Commissioner may issue to the applicant a permit to import such fruit, honey, or fruit juice concentrate in an amount deemed necessary by the Agriculture Commissioner to allow such farm winery to produce hard cider within the percentage established by §60-1-5a of this code.

(b) The burden of proof shall be upon the applicant to show that apples, pears, peaches, honey, or other fruits, of the type normally used by the licensee are not available from any other source within the State of West Virginia, and no application for a permit under this section shall be considered by the commissioner unless it is accompanied by written findings by the Agriculture Commissioner in support thereof.

(c) Notwithstanding any provision in §60-3-25 of this code to the contrary, any permit issued under this section shall be effective for a period of up to five years: *Provided*, That the applicant files an annual statement of necessity, supported by written findings from the Agriculture Commissioner, with the commissioner. After the five-year permit issued pursuant to this section has expired, any subsequent application for a permit shall be submitted pursuant to §60-3-25 of this code.

§60-8A-5. Winery or farm winery licensee's authority to manufacture, sell, and provide complimentary samples; growler sales; advertisements; taxes; fees; rulemaking.

(a) *Sales of hard cider.* — A licensed winery or farm winery with its principal place of business or manufacturing facility located in the State of West Virginia may offer hard cider manufactured by the licensed winery or farm winery for retail sale to customers from the winery's or farm winery's licensed premises for consumption off of the licensed premises only in approved and registered kegs, bottles, cans, or growlers for personal consumption and not for resale. A licensed winery or farm winery may not sell, give or furnish hard cider for consumption on the premises of the principal place of business or manufacturing facility located in the State of West Virginia, except for the limited purpose of complimentary samples as permitted in subsection (b) of this section. "Growler" means a container or jug that is made of glass, ceramic, metal, or other approved material, that may be no larger than

128 fluid ounces in size and must be capable of being securely sealed as approved by the commissioner.

(b) Complimentary samples. — A licensed winery or farm winery with its principal place of business or manufacturing facility located in the State of West Virginia may offer only complimentary samples of hard cider manufactured at the winery's or farm winery's principal place of business or manufacturing facility located in the State of West Virginia. The complimentary samples may be no greater than two fluid ounces per sample per patron, and a sampling shall not exceed six complimentary two-fluid ounce samples per patron per day. A licensed winery or farm winery providing complimentary samples shall provide complimentary food items to the patron consuming the complimentary samples; and prior to any sampling, verify, using proper identification, that the patron sampling is 21 years of age or over and that the patron is not visibly intoxicated.

(c) Retail sales. — Every licensed winery or farm winery under this section shall comply with all the provisions as applicable to wine retailers when conducting sales of hard cider and shall be subject to all applicable requirements and penalties.

(d) Payment of taxes and fees. — A licensed winery or farm winery under this section shall pay all taxes and fees required of licensed wine retailers, in addition to any other taxes and fees required, and meet applicable licensing provisions as required by law and by rule of the commissioner.

(e) Advertising. — A licensed winery or farm winery may advertise a particular brand or brands of hard cider produced by the licensed winery or farm winery and the price of the hard cider subject to state and federal requirements or restrictions. The advertisement may not encourage intemperance.

(f) Growler requirements. — A licensed winery or farm winery, if offering growler filling services, must fill a growler and patrons are not permitted to access the secure area or fill a growler. If offered, a licensed winery or farm winery must sanitize, fill, securely seal, and label any growler prior to its sale. A licensed winery or farm winery under this section may only offer for retail sale growlers no larger than 128 fluid ounces of hard cider manufactured by the licensed winery or farm winery for personal consumption off of the licensed premises and not for resale. A licensed winery or farm winery under this section may refill a growler subject to the requirements of this section. A licensed winery or farm winery shall visually inspect any growler before filling or refilling it. A licensed winery or farm winery may not fill or refill any growler that appears to be cracked, broken, unsafe or otherwise unfit to serve as a sealed beverage container.

(g) Growler labeling. — A licensed winery or farm winery under this section selling growlers shall affix a conspicuous label on all sold and securely sealed growlers listing the name of the licensee selling the growler, the brand of the hard cider in the growler, the alcohol content by volume of the hard cider in the growler and the date the growler was filled or refilled, and, further, all labeling on the growler shall be consistent with all federal labeling and warning requirements.

(h) Growler sanitation. — A licensed winery or farm winery authorized under this section shall clean and sanitize all growlers he or she fills or refills in accordance with all state and county health requirements prior to its sealing. In addition, the licensed winery or farm winery shall sanitize, in accordance with all state and county health requirements, all taps, tap lines, pipe lines, barrel tubes and any other related equipment used to fill or refill growlers. Failure to comply with this subsection may result in penalties.

(i) Fee. — There is no additional fee for a licensed winery or farm winery authorized under this section to sell growlers.

(j) *Limitations on licensees.* — To be authorized under this section, a licensed winery or farm winery may not produce more than 25,000 barrels per calendar year at the winery's or farm winery's principal place of business or manufacturing facility located in the State of West Virginia. A licensed winery or farm winery under this section may only conduct tours, give complimentary samples and sell growlers during the hours of operation defined for retailers. A licensed winery or farm winery authorized under this section shall be subject to applicable penalties.

(k) *Rules.* — The West Virginia Alcoholic Beverage Control Commissioner, in consultation with the Bureau for Public Health concerning sanitation, is authorized to propose rules for legislative approval, pursuant to §29A-3-1 *et seq.* of this code, to implement this section.

§60-8A-6. Wine licensee's authority to sell growlers; complementary samples; requirements; advertisements; taxation; and fees.

(a) *Sales of hard cider.* — A wine retailer, private wine restaurant, private club, or wine specially shop, who pays the fee in subsection (h) of this section may offer only hard cider for retail sale to patrons from their licensed premises in a sealed growler for personal consumption off the licensed premises and not for resale. Prior to the sale, the licensee shall verify, using proper identification, that any patron purchasing hard cider is 21 years of age or over and that the patron is not visibly intoxicated. A licensee authorized under this section may not sell, give, or furnish other alcoholic liquors, including other types of wine, unless it is a private club licensed to sell sealed wine for consumption off of the licensed premises and meets the requirements set out in §60-8-3(i) and §60-8-3(l) of this code, for the sale of wine, not liquor. "Growler" means a container or jug that is made of glass, ceramic, metal, or other approved material, that may be no larger than 128 fluid ounces in size and must be capable of being securely sealed as approved by the commissioner.

(b) *Retail sales.* — Every licensee authorized under this section shall comply with all provisions applicable to retailers when conducting sales of hard cider and shall be subject to all applicable requirements and penalties.

(c) *Payment of taxes and fees.* — A licensee authorized under this section shall pay all taxes and fees required of retailers, in addition to any other taxes and fees required, and meet applicable licensing provisions as required by law and by rule of the commissioner.

(d) *Advertising.* — A licensee authorized under this section may advertise a particular brand or brands of hard cider and the price of the hard cider subject to state and federal requirements or restrictions. The advertisement may not encourage intemperance.

(e) *Growler requirements.* — A licensee authorized under this section must fill a growler and patrons are not permitted to access the secure area or fill a growler. The licensee must sanitize, fill, securely seal, and label any growler prior to its sale. The licensee may only offer for retail sale growlers no larger than 128 fluid ounces of hard cider for personal consumption off the licensed premises and not for resale. The licensee may refill a growler subject to the requirements of this section. The licensee shall visually inspect any growler before filling or refilling it. A licensee may not fill or refill any growler that appears to be cracked, broken, unsafe, or otherwise unfit to serve as a sealed beverage container.

(f) *Growler labeling.* — A licensee authorized under this section selling growlers shall affix a conspicuous label on all sold and securely sealed growlers listing the name of the licensee selling the growler, the brand of the hard cider in the growler, the alcohol content by volume of the hard cider in the growler, and the date the growler was filled or refilled, and, further, all labeling on the growler shall be consistent with all federal labeling and warning requirements.

(g) Growler sanitation. — A licensee authorized under this section shall clean and sanitize all growlers he or she fills or refills in accordance with all state and county health requirements prior to its sealing. In addition, the licensee shall sanitize, in accordance with all state and county health requirements, all taps, tap lines, pipe lines, barrel tubes, and any other related equipment used to fill or refill growlers. Failure to comply with this subsection may result in penalties including under §60-8-18 of this code.

(h) Fees. — Commencing July 1, 2020, and every July 1 thereafter, there is an annual \$100 nonrefundable fee for a licensee to sell hard cider growlers as provided by this section. The licensee must be in good standing with the state at the time of paying the fee.

(i) Complimentary samples. — A licensee authorized under this section may provide hard cider complimentary samples which may be no greater than two fluid ounces per sample and a sampling shall not exceed six different two-fluid ounce samples per patron per day. A licensee authorized under this section providing complimentary samples shall, prior to any sampling, verify, using proper identification, that the patron sampling is 21 years of age or over and that the patron is not visibly intoxicated. Hard cider utilized for sampling purposes must be purchased from the licensee's inventory.

(j) Limitations on licensees. — A licensee under this section may only sell growlers during the hours of operation set forth in §60-8-34 of this code. Any licensee authorized under this section must maintain a secure area for the sale of hard cider in a growler. The secure area must only be accessible by the licensee. Any licensee authorized under this section shall be subject to the applicable penalties under the code.

(k) Nonapplicability of certain statutes. — Notwithstanding any other provision of this code to the contrary, licensees under this section are permitted to break the seal of the original container for the limited purpose of filling a growler or providing complimentary samples as provided in this section. Any unauthorized sale of hard cider or any consumption not permitted on the licensee's premises is subject to applicable penalties under this code.

(l) The West Virginia Alcoholic Beverage Control Commissioner, in consultation with the Bureau for Public Health concerning sanitation, is authorized to propose rules for legislative approval, pursuant to §29A-3-1 et seq. of this code, to implement this section.

§60-8A-7. Rule-making authorization.

The West Virginia Alcoholic Beverage Control Commissioner is authorized to propose rules for legislative approval, pursuant to §29A-3-1 et seq. of this code, to implement this article."

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4176, West Virginia Intelligence/Fusion Center Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Steele and Miller, the bill was amended on page one, line eight, after "Provided", by striking out the following: "That under no circumstances shall any private sector persons, organizations, entities, or agencies utilizing or collaborating with the Fusion Center be a contract operator for any federal intelligence agency.", and inserting in lieu thereof the following: "That the Fusion Center shall not knowingly allow a contractor for a federal intelligence agency work inside of the Fusion Center."

On page one, line eighteen, after the word, "transnational", by inserting the words, "or domestic".

On page two, line twenty-two, after “States,” by striking out the following, “including but not limited to, 50 U.S.C. §3036(d) and Executive Order 12333 (December 4, 1981, as amended by Executive Orders 13284 (2003), 13355 (2004) and 13470 (2008));”

On page three, line twelve, after the word “§3036(d)”, by inserting a period and striking out the following, “and Executive Order 12333 (December 4, 1981, as amended by Executive Orders 13284 (2003), 13355 (2004) and 13470 (2008)).”

On page three, line twenty-seven, following the word “*Provided*”, by striking out the following: “That under no circumstances shall any private sector persons, organizations, entities, or agencies utilizing or collaborating with the Fusion Center be a contract operator for any federal intelligence agency.”, and inserting in lieu thereof the following:

“That the fusion center shall not knowingly allow a contractor for a federal intelligence agency work inside of the Fusion Center.”

On page four, line forty-four, after the word “States,” by striking out the words, “including but not limited to, 50,”.

On page four, line forty-five, after “3036(d)”, by striking out the words “and Executive Order 12333 (December 4, 1981, as amended by Executive Orders 13284 (2003), 13355 (2004) and 13470 (2008))”;

On page four, line sixty-two, after the word “3036(d)”, by striking out the words “and Executive Orders 13284 (2003), 13355 (2004) and 13470 (2008))”.

On page five, line seventy-nine, after the word “3036(d)”, by striking out the words “and Executive Order 12333 (December 4, 1981, as amended by Executive Orders 13284 (2003), 13355 (2004) and 13470 (2008))”.

On page six, line one hundred and four, after the word “counsel”, inserting the words “and staff”.

On page six, line one hundred and eight, by striking out the word “commission”, and inserting in lieu thereof the word “committee”.

On page six, line one-hundred and eleven, after the word, “members”, by inserting the words “counsel, and staff”.

On page six, line one hundred and fourteen, after the word, “members”, by inserting the words “counsel, and staff”.

On page seven, line one-hundred and eighteen, after the word “time,” by inserting the words “during normal business hours”.

On page seven, line one-hundred and eighteen, after the word “counsel,” by inserting the words “and staff”.

On page eight, line one hundred and fifty, after the word “That”, striking out the word “is”, and insert in lieu thereof, the word “if”.

On page eight, line one hundred and fifty, after the word “classified”, by inserting the word “, or security, or law enforcement sensitive that would compromise an investigation”.

On page ten, line thirty-six, after the word, “3036(d)”, by striking out the word “and Executive Order 12333 (December 4, 1981, as amended by Executive Orders 13284 (2003), 13355 (2004) and 13470 (2008))”.

On page eleven, line fifty-three, after the word “3036(d)”, by striking out the words, “and Executive Order 12333 (December 4, 1981, as amended by Executive Orders 13284 (2003), 13355 (2004) and 13470 (2008))”.

On page twelve, line seventy, after the word, “3036(d)”, by striking the words, “and Executive Order 12333 (December 4, 1981, as amended by Executive Orders 13284 (2003), 13355 (2004) and 13470 (2008))”.

On page twelve, line six, after the word “*Provided,*” by striking out the language “That with regard to any Fusion Center intelligence gathering activity or operation against a U. S. citizen related to alleged terrorism, such allegation must be vetted and confirmed by procedures substantially in compliance with those set forth in the Federal Bureau of Investigation memorandum dated April 5, 2001 by Michael J. Woods of the Office of General Counsel titled “Foreign Intelligence Surveillance Act Procedures to Ensure Accuracy.”; and by inserting in lieu thereof the following language, “That with regard to any Fusion Center intelligence or information gathering activity or operation against a U. S. Citizen related to alleged terrorism or violation of a law, such allegation must be vetted and confirmed by procedures substantially in compliance with those set forth in laws, rules, and regulations, developed in accordance with 50 U.S.C. §3036(d).”

Delegates Bibby, Wilson, Butler and Waxman moved to amend the on page fourteen, after section eight, after line five, by inserting a new section, designated section nine, to read as follows:

“§15A-9-9. Sunset.

(a) Except as provided in subsection (b) of this section, §15A-9-1 et seq. of this code shall cease to have effect on June 30, 2025, unless reauthorized by the West Virginia Legislature.

(b) Exception. – With respect to any particular information or intelligence gathering operation that began before the date on which the provisions referred to in subsection (a) cease to have effect, or with respect to any particular operation that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect until the operation is completed.”

The question being on the adoption of the amendment, the same was put and did not prevail.

An amendment, offered by Delegate Bibby, was reported by the Clerk.

Whereupon,

Delegate Bibby obtained unanimous consent to withdraw the amendment.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4362, Relating to penalties for neglect, emotional abuse or death caused by a caregiver; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4402, Relating to designation of early voting locations; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4439, Clarifying the method for calculating the amount of severance tax attributable to the increase in coal production; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4461, Requiring the Governor to fix the salaries of certain state appointed officers after the office is vacated or after July 1; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4494, Tobacco Use Cessation Initiative; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4497, Requiring an external defibrillator device at any secondary school athlete event; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4524, Making the entire state “wet” or permitting the sale of alcoholic liquors for off-premises consumption; on second reading, coming up in regular order, was read a second time.

On motion of Delegate J. Jeffries, the bill was amended on page two, by striking out all of section §60-5-4 and inserting in lieu thereof the following:

“§60-5-4. When election is to be held.

Elections must be held during the typical Primary or General elections; and shall not be held by a special election.”

Delegate Westfall moved to amend the bill on page one, section one, line eight, immediately following the word “county.” by inserting the following:

“On or before June 1, 2020, the Commissioner of the Alcohol Beverage Control Administration shall send a certified letter to all political subdivisions which would be affected by the provisions of this bill. Such entities may stay ‘dry’, that is, not permitting the sale of alcoholic liquors for off-premises consumption, if by August 1, 2020, a majority of the members of the respective county commission or city or town council shall vote to remain dry, and send a certified letter to the Commissioner of the Alcohol Beverage Control Administration, noting the results of such vote.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 333**), and there were—yeas 63, nays 34, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bibby, N. Brown, S. Brown, Caputo, Dean, Diserio, Doyle, Ellington, Espinosa, Estep-Burton, Hansen, Hardy, Higginbotham, Hill, Hornbuckle, J. Kelly, Longstreth, McGeehan, Paynter, Pethtel, Pushkin, Pyles, Rowe, Sponaugle, Staggers, C. Thompson, Walker, Waxman, Williams, Wilson, Worrell and Zukoff.

Absent and Not Voting: Capito, Cowles and Criss.

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

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4535, Relating to student aide class titles; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4573, Relating to Medicaid subrogation liens of the Department of Health and Human Resources; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4574, Establishing Just Transition support for coal and timber related jobs; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4587, Modernizing the Public Service Commission's regulation of solid waste motor carriers and solid waste facilities; on second reading, coming up in regular order, was read a second time.

Delegate Maynard moved to amend the bill on page six, section four, line one, by striking out the (a).

And,

On page six, section four, line nine, by striking out all of subsection (b).

Delegate Hott requested to be excused from voting on Com. Sub. for H. B. 4587 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 adoption of the amendment, the same was put and the amendment was adopted.

The bill was then ordered to engrossment and third reading,

H. B. 4602, Increasing the penalty for DUI causing death when a child is present; on second reading, coming up in regular order, was read a second time.

Delegates Canestraro and Shott moved to amend the bill on page one, immediately following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following:

"ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

§17C-5-1. Negligent homicide operation of a motor vehicle resulting in death; penalties.

(a) When the death of any person ensues within one year as a proximate result of injury received by the driving of any vehicle anywhere in this state in reckless disregard of the safety of others, the person so operating such vehicle shall be guilty of negligent homicide.

~~(b) Any person convicted of negligent homicide a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two nor more than ten years and shall be fined not less than \$1,500 nor more than \$3,000 shall be punished by imprisonment for not more than one year or by fine of not less than \$100 nor more than \$1,000, or by both such fine and imprisonment.~~

(b) When the death of any person ensues within one year as a proximate result of injury received by the driving of any vehicle anywhere in this state in reckless disregard of the safety of others, and a child is present in the vehicle at the time of the accident, the person so operating such vehicle shall be guilty of a felony, and shall be punished by imprisonment for not less than three nor more than fifteen years and by a fine of not less than \$2,000 nor more than \$5,000.

(c) The commissioner shall revoke the license or permit to drive and any nonresident operating privilege of any person convicted of negligent homicide.

§17C-5-3. Reckless driving; penalties.

(a) Any person who drives any vehicle upon any street or highway, or upon any residential street, or in any parking area, or upon the ways of any institution of higher education, whether public or private, or upon the ways of any state institution, or upon the property of any county boards of education, or upon any property within the state park and public recreation system established by the Director of the Division of Natural Resources pursuant to section three, article four, chapter twenty of this code in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) The provisions of subsection (a) of this section shall not apply to those areas which have been temporarily closed for racing sport events or which may be set aside by the Director of the Division of Natural Resources within the state park and recreation system for exclusive use by motorcycles or other recreational vehicles.

(c) Every person convicted of reckless driving is guilty of a misdemeanor and, upon a first conviction thereof, shall be confined in jail for a period of not less than five days nor more than ninety days, or fined not less than \$25 nor more than \$500, or both, and upon conviction of a second or subsequent conviction thereof, shall be confined in jail not less than ten days nor more than six months, or fined not less than \$50 nor more than \$1,000, or both.

(d) Notwithstanding the provisions of subsection (c) of this section, any person convicted of a violation of subsection (a) of this section who in doing so proximately causes another to suffer serious bodily injury shall be guilty of a felony, and, upon conviction, be confined in jail imprisoned in a state correctional facility not less than ten days or one nor more than six months or three years and fined not less than \$50 \$1,000 nor more than \$1,000 \$2,000. or both

(e) For purposes of subsection (d) of this section, 'serious bodily injury' means bodily injury which creates a substantial risk of death, which causes serious or prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ."

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

The Speaker ruled that the provisions of the amendment dealing with reckless driving were not germane to the bill.

Whereupon,

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

On page one, immediately following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 5. SERIOUS TRAFFIC OFFENSES.**§17C-5-1. Negligent homicide operation of a motor vehicle resulting in death; penalties.**

(a) When the death of any person ensues within one year as a proximate result of injury received by the driving of any vehicle anywhere in this state in reckless disregard of the safety of others, the person so operating such vehicle shall be guilty of negligent homicide.

~~(b) Any person convicted of negligent homicide a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two nor more than ten years and shall be fined not less than \$1,500 nor more than \$3,000 shall be punished by imprisonment for not more than one year or by fine of not less than \$100 nor more than \$1,000, or by both such fine and imprisonment.~~

(b) When the death of any person ensues within one year as a proximate result of injury received by the driving of any vehicle anywhere in this state in reckless disregard of the safety of others, and a child is present in the vehicle at the time of the accident, the person so operating such vehicle shall be guilty of a felony, and shall be punished by imprisonment for not less than three nor more than fifteen years and by a fine of not less than \$2,000 nor more than \$5,000.

(c) The commissioner shall revoke the license or permit to drive and any nonresident operating privilege of any person convicted of negligent homicide.”

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

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4560, Relating to deliveries by a licensed wine specialty shop; on second reading, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4619, Approving plans proposed by electric utilities to install middle-mile broadband fiber; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4639, Changing frequency of mandatory state inspections of motor vehicles; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4648, The Parenting Fairness Act of 2020; on second reading, coming up in regular order, was read a second time.

Delegate Fluharty moved to amend the bill on page four, section two hundred and one, lines ten and eleven, by reinserting the stricken language “(2) The performance by each parent during the last twelve months of the parenting functions relating to the daily needs of the child;” into current law, and renumbering the subsequent subdivisions accordingly.

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

The yeas and nays having been ordered, they were taken (**Roll No. 334**), and there were—yeas 40, nays 58, absent and not voting 2, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Cadle and Cowles.

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

The bill was then ordered to engrossment and third reading.

H. B. 4665, Reducing the amount of rebate going to the Purchasing Improvement Fund; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4693, Expanding the scope of the Veterans to Agriculture Program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4705, Including three types of cancer for which rebuttable presumption of injury from employment exists for firefighters; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4717, Seizure and Forfeiture Reporting Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4746, Establishing a registry of persons with a communication disability; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4804, Relating to comprehensive systems of support for teacher and leader induction and professional growth; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4892, Reducing personal income tax rates when personal income tax reduction fund is funded at a certain threshold; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4905, Ban-the-Box Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4925, Requiring the Secondary Schools Athletic Commission to recognize private, parochial, or church schools; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Kessinger and Hornbuckle, the bill was amended on page two, section twenty-five, lines thirty-nine through forty-two, by striking out paragraph (d) in its entirety and inserting in lieu thereof the following:

“(d) The West Virginia secondary school activities commission shall recognize preparatory athletic programs, whose participants attend a secondary school in West Virginia for academic instruction,

as nonparticipating members of the commission solely for the purpose of competing on the national level: *Provided*, That the preparatory athletic program shall pay the same fees as member schools. Such recognition does not entitle the preparatory athletic program to compete against a member school during the regular season or in any commission state championship events. The commission may promulgate an emergency rule pursuant to subsection (b) of this section, if necessary, to carry out the intent of this subsection.”

The bill was then ordered to engrossment and third reading.

H. B. 4929, Relating to the administrative closing of stale or unprogressed estates; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4946, Eliminating the requirement that municipal police civil service commissions certify a list of three individuals for every position vacancy; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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 second reading, coming up in regular order, was read a second time.

Delegate Bates moved to amend the bill on page three, section two-a, line fifty-seven, following the period by inserting a new subdivision (3), to read as follows:

“(3) If a person has made payments for seven years and is in good standing with the terms of his or her repayment plan at the end of the seven year period, further payments are waived and the person is released from any costs, fines, forfeiture or penalties owed under the payment plan.”

And,

On page seven, section two-b, line fifty, following the period by inserting a new subdivision (3), to read as follows:

“(3) If a person has made payments for seven years and is in good standing with the terms of his or her repayment plan at the end of the seven year period, further payments are waived and the person is released from any costs, fines, forfeiture or penalties owed under the payment plan.”

On page sixteen, section two-a, line forty-nine, following the period by inserting a new subdivision (3), to read as follows:

“(3) If a person has made payments for seven years and is in good standing with the terms of his or her repayment plan at the end of the seven year period, further payments are waived and the person is released from any costs, fines, forfeiture or penalties owed under the payment plan.”

And,

On page twenty-five, section seventeen, line eight-five, following the words “paid in full,” by inserting the words “or otherwise released,”.

The question before the House being the adoption of the amendment, the same was put and did not prevail.

On motion of Delegate Hamrick, the bill was amended on page three, section two-a, line fifty, following the period by inserting: "The clerk shall notify the person that he or she is 180 days past due, has not enrolled in a payment plan, has received a \$10 late fee, and may have a judgment lien recorded against him or her and have his or her debt sent to collections if not resolved within 30 days."

On page seven, section two-b, line forty-three, following the period by inserting: "The clerk shall notify the person that he or she is 180 days past due, has not enrolled in a payment plan, has received a \$10 late fee, and may have a judgment lien recorded against him or her and have his or her debt sent to collections if not resolved within 30 days."

On page sixteen, section two-a, line fifty-two, following the period by inserting: "The clerk shall notify the person that he or she is 180 days past due, has not enrolled in a payment plan, has received a \$10 late fee, and may have a judgment lien recorded against him or her and have his or her debt sent to collections if not resolved within 30 days."

On page twenty-four, section seventeen, line sixty-six, following the period by inserting: "The clerk shall notify the person that he or she is 180 days past due, has not enrolled in a payment plan, has received a \$10 late fee, and may have a judgment lien recorded against him or her and have his or her debt sent to collections if not resolved within 30 days."

On page three, section two-a, line fifty-one, by striking out the word "90", and inserting the words "an additional 30".

On page seven, section two-b, line forty-four, by striking out the word "90", and inserting the words "an additional 30".

On page sixteen, section two-a, line fifty-three, by striking out the word "90", and inserting the words "an additional 30".

On page twenty-five, section seventeen, line sixty-seven, by striking out the word "90", and inserting the words "an additional 30".

On page one, section two-a, line three, following the words "a person" and the period, by inserting the words "Any charges made by the credit company shall be paid by the person responsible for paying the cost, fine, fee, or penalty".

On page two, section two-a, line ten, following the words "of this code", by inserting after the comma: "or other applicable municipal ordinances.";

And,

On page five, section two-b, line four, following the words "of this code", by inserting after the comma: "or other applicable municipal ordinances."

The bill was then ordered to engrossment and third reading.

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 second reading, was read a second time and ordered to engrossment and third reading.

H. B. 4966, Relating generally to updating the North American Industry Classification System code references; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

H. B. 4970, Relating to military service as a factor in certain insurance coverage rates; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4971, Relating to a closing hospital; on second reading, coming up in regular order, was read a second time.

Delegate Summers asked unanimous consent to advance the bill to third reading with an amendment pending, which consent was not obtained, objection being heard.

An amendment, offered by Delegates Howell, Caputo, Rohrbach, Longstreth, Angelucci and C. Martin, was reported by the Clerk, on page three, line 56, by striking 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.”

Delegate Bates then obtained unanimous consent that the bill be advanced to engrossment and third reading with the amendment pending and the general right to amend, and the rule was suspended to permit the consideration of amendments on that reading.

Leaves of Absence

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

Miscellaneous Business

Delegate Cadle noted to the Clerk that he was absent when the votes were taken on Com. Sub. for H. B. 4360 and Com. Sub. for H. B. 4377, and had he been present, he would have voted “Yea” thereon.

At 5:34 p.m., the House of Delegates adjourned until 9:00 a.m., Wednesday, February 26, 2020.

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

SPECIAL CALENDAR

Wednesday, February 26, 2020

50th Day

9:00 A. M.

THIRD READING

- 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. 2478 - Modifying the Fair Trade Practices Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2897 - Relating to driving restrictions in school zones (ELLINGTON) (REGULAR)
- H. B. 4159 - Relating to the manufacture and sale of hard cider (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4176 - West Virginia Intelligence/Fusion Center Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4362 - Relating to penalties for neglect, emotional abuse or death caused by a caregiver (SHOTT) (REGULAR)
- H. B. 4402 - Relating to designation of early voting locations (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4439 - Clarifying the method for calculating the amount of severance tax attributable to the increase in coal production (CRISS) (REGULAR)
- 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 (LINVILLE) (REGULAR)
- Com. Sub. for H. B. 4494 - Tobacco Use Cessation Initiative (COWLES) (REGULAR)

- Com. Sub. for H. B. 4497 - Requiring an external defibrillator device at any secondary school athlete event (ELLINGTON) (REGULAR)
- H. B. 4524 - Making the entire state "wet" or permitting the sale of alcoholic liquors for off-premises consumption (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4535 - Relating to student aide class titles (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 4560 - Relating to deliveries by a licensed wine specialty shop (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4573 - Relating to Medicaid subrogation liens of the Department of Health and Human Resources (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4574 - Establishing Just Transition support for coal and timber related jobs (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4587 - Modernizing the Public Service Commission's regulation of solid waste motor carriers and solid waste facilities (SHOTT) (REGULAR)
- H. B. 4602 - Increasing the penalty for DUI causing death when a child is present (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4619 - Approving plans proposed by electric utilities to install middle-mile broadband fiber (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4639 - Changing frequency of mandatory state inspections of motor vehicles (BUTLER) (REGULAR)
- Com. Sub. for H. B. 4648 - The Parenting Fairness Act of 2020 (SHOTT) (REGULAR)
- H. B. 4665 - Reducing the amount of rebate going to the Purchasing Improvement Fund (STORCH) (REGULAR)
- Com. Sub. for H. B. 4693 - Expanding the scope of the Veterans to Agriculture Program (HOWELL) (REGULAR)
- H. B. 4705 - Including three types of cancer for which rebuttable presumption of injury from employment exists for firefighters (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4717 - Seizure and Forfeiture Reporting Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4746 - Establishing a registry of persons with a communication disability (HOWELL) (REGULAR)
- H. B. 4804 - Relating to comprehensive systems of support for teacher and leader induction and professional growth (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 4852 - Relating to the penalties for the manufacture, delivery, possession, or possession with intent to manufacture or deliver methamphetamine (SHOTT) (REGULAR)

- Com. Sub. for H. B. 4892 - Reducing personal income tax rates when personal income tax reduction fund is funded at a certain threshold (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4905 - Ban-the-Box Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4925 - Requiring the Secondary Schools Athletic Commission to recognize private, parochial, or church schools (ELLINGTON) (REGULAR)
- H. B. 4929 - Relating to the administrative closing of stale or unprogressed estates (SHOTT) (REGULAR)
- 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 (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. 4958 - Relating to eliminating the ability of a person's driver license to be suspended for failure to pay court fines and costs (HAMRICK) (JULY 1, 2020)
- H. B. 4966 - Relating generally to updating the North American Industry Classification System code references (CRISS) (REGULAR)
- H. B. 4969 - Relating to providing tax credit for the donation or sale of a vehicle to certain charitable organizations (GRAVES) (REGULAR)
- H. B. 4970 - Relating to military service as a factor in certain insurance coverage rates (SHOTT) (REGULAR)
- H. B. 4971 - Relating to a closing hospital (HOWELL) (REGULAR) [AMENDMENT PENDING] [RIGHT TO AMEND]

SECOND READING

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

FIRST 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 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)

HOUSE CALENDAR

Wednesday, February 26, 2020

50th Day

9:00 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 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. 4558 - Creating a personal income tax credit for volunteer firefighters in West Virginia (MAYNARD) (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**

WEDNESDAY, FEBRUARY 26, 2020

HOUSE CONVENES AT 9:00 A.M.

**COMMITTEE ON RULES
8:30 A.M. – BEHIND CHAMBER**

THURSDAY, FEBRUARY 27, 2020

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

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