

West Virginia Legislature

JOURNAL  
of the  
HOUSE of DELEGATES

Eighty-Fourth Legislature  
Second Regular Session

Held at Charleston  
Published by the Clerk of the House



February 27, 2020  
FIFTY-FIRST DAY



---

Thursday, February 27, 2020

**FIFTY-FIRST DAY**

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

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

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

The Clerk proceeded to read the Journal of Wednesday, February 26, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

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

**H. C. R. 86**, Designating June 12th each year as Women Veterans Appreciation Day,

And,

**H. R. 7**, Designating a single state funeral to be held upon the death of the last living Medal of Honor recipient from World War II,

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

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 86 and H. R. 7) were referred to the Committee on Rules.

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

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

**S. B. 114**, Providing continued eligibility for developmental disability services to dependents of military members,

And,

**S. B. 203**, Allowing certain deductions from personal income tax refunds,

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

In accordance with the former direction of the Speaker, the bills (S. B. 114 and S. B. 203) were each referred to the Committee on Finance.

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**S. B. 266**, Clarifying and updating language regarding Fairmont State alumni license plates,

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

In accordance with the former direction of the Speaker, the bill (S. B. 266) was referred to the Committee on Government Organization.

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**Com. Sub. for S. B. 306**, Licensing of drivers utilizing bioptic telescopic devices,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 306) was referred to the Committee on Government Organization.

Delegate Butler, Chair of the Committee on Technology and Infrastructure submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. C. R. 10**, Robert 'Glen' Schoonover Memorial Bridge,

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

**Com. Sub. for H. C. R. 10** – “Requesting the Division of Highways name bridge number 42-25-21.84 (42SS028), locally known as the Hart Chapel Bridge, carrying County Route 25 over Laurel Fork at the forks of Chenoweth Creek Road and Evans Road near the Hart Chapel Church near Elkins in Randolph County, the ‘Robert ‘Glen’ Schoonover Memorial Bridge’,”

**H. C. R. 15**, Rose Agnes Rolls Cousins Bridge,

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

**Com. Sub. for H. C. R. 15** – “Requesting the Division of Highways name bridge number 25-310-10.31 (25A272), locally known as Third Street Bridge, carrying WV 310 over Benoni Avenue and Coal Run in Marion County, the ‘Rose Agnes Rolls Cousins Bridge’,”

**H. C. R. 23**, U. S. Army Spec. 4, Roger Dale Griffith Memorial Bridge,

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

**Com. Sub. for H. C. R. 23** – “Requesting the Division of Highways name bridge number 42-48-42.37 NB & SB(42A202, 42A203), (38.95410,-79.85749) locally known as Laurel Mountain Road Bridges, carrying US 48 over CR11 and US 219 in Randolph County, the ‘U. S. Army SPC Roger Dale Griffith Memorial Bridge’,”

**H. C. R. 30**, U. S. Army Corporal C. O. ‘Skip’ Johnson Memorial Bridge,

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

**Com. Sub. for H. C. R. 30** - “Requesting the Division of Highways name bridge number: 34-19-29.10 NB & SB (34A095, 34A096), (38.50057, -80.75533) locally known as Birch River Interchange Bridges, carrying US 19 over Birch River in Nicholas county, the ‘C. O. “Skip” Johnson Memorial Bridge’,”

**H. C. R. 41**, U. S. PFC Dennis Warren Baxter, USMC, Memorial Bridge,

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

**Com. Sub. for H. C. R. 41** - “Requesting the Division of Highways name bridge number 42-33-8.40, locally known as Gum Lick Run Bridge, carrying US Route 48 over Gum Lick Run in Randolph County, the ‘U.S.M.C. PFC Dennis Warren Baxter Memorial Bridge’,”

**H. C. R. 42**, PFC David Henry Shifflet Memorial Bridge,

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

**Com. Sub. for H. C. R. 42** - “Requesting the Division of Highways name bridge number 42.219/86-001.86 (42A143), locally known as Gilman Bridge, carrying US Route 219 over Leading Creek in Randolph County, the ‘U.S. Army PFC David Henry Shifflet Memorial Bridge’,”

**H. C. R. 82**, Naming a portion of Buffalo Creek Road, In Memory of Tootsie Hensley, Please keep Buffalo Creek Litter Free,

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

**Com. Sub. for H. C. R. 82** - “Requesting the Division of Highways name a portion of Buffalo Creek Road, CR7, along the 2.59 miles between WV75 and Rice Branch Road CR14/1 in Wayne County, the ‘In Memory of Tootsie Hensley, Please keep Buffalo Creek Litter Free’,”

And,

**H. C. R. 90**, Wood Brothers Memorial Bridge,

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

**Com. Sub. for H. C. R. 90** - “Requesting the Division of Highways name bridge number NHPP-0035(202) (11350), carrying U.S. Route 35 over County Route 29 and Little Sixteen Mile Creek in Mason County, the ‘Wood Brothers Veterans Memorial Bridge’,”

With the recommendation that the committee substitutes each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (Com. Sub. for H. C. R. 10, Com. Sub. for H. C. R. 15, Com. Sub. for H. C. R. 23, Com. Sub. for H. C. R. 30, Com. Sub. for H. C. R. 41, Com. Sub. for H. C. R. 42, Com. Sub. for H. C. R. 82 and Com. Sub. for H. C. R. 90) were referred to the Committee on Rules.

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. 6**, Allowing DOH issue permits for certain tractors with certain trailers not exceeding specified maximum axle weights,

**Com. Sub. for S. B. 232**, Removing outdated prohibitions against electronic or mechanical ticket dispensers and readers,

**Com. Sub. for S. B. 649**, Permitting county emergency phone system directors negotiate contracts for mobile phones,

And,

**S. B. 651**, Relating to definition of "mortgage loan originator",

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:

**S. B. 562**, Expunging certain criminal convictions,

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

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. 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.

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

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

**S. B. 289**, Creating Green Alert Plan,

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

In accordance with the former direction of the Speaker, the bill (S. B. 289) was referred to the Committee on Finance.

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. C. R. 2**, Requesting the Division of Highways name a portion of WV 3 Vietnam Veterans Memorial Highway,

**H. C. R. 6**, Clarence Watson Meadows Memorial Boulevard,

**H. C. R. 11**, U. S. Army SGT Robert R. "Bob" Defibaugh Memorial Bridge,

**H. C. R. 27**, U. S. Army PFC Thomas Howard Wills, Jr. Memorial Bridge,

**H. C. R. 28**, U.S.M.C. Cpl Andrew Ryan White Memorial Bridge,

**H. C. R. 40**, The Hall Brothers Veterans Bridge,

**H. C. R. 47**, U. S. Army Air Corps SSGT Charles Dexter Duncan Memorial Road,

**H. C. R. 51**, Gunsmiths Trace,

**H. C. R. 60**, U. S. Army PFC Teddy Ray Chandler Memorial Bridge,

**H. C. R. 63**, Sharp Military Brothers Bridge,

**H. C. R. 64**, U. S. Army SP5 Benny Ray Snodgrass Memorial Bridge,

**H. C. R. 66**, U. S. Army Sgt. Joseph W. McCutcheon Memorial Bridge,

**H. C. R. 67**, First Lieutenant Fred Omar Pratt Memorial Bridge,

**H. C. R. 68**, Kidd Brothers Veterans Memorial Bridge,

**H. C. R. 79**, U. S. Army Nurses Corp CPT Nancy Margret Kiess Memorial Bridge,

**H. C. R. 80**, U. S. Army Major Michael Alphonse Rafferty Memorial Bridge,

**H. C. R. 83**, U. S. Army SFC Guy R. Hively Memorial Bridge,

**H. C. R. 88**, Johnnie Bryant Moore Memorial Bridge,

**H. C. R. 91**, Caldwell Brothers Memorial Road,

**H. C. R. 92**, Mayor Abraham E. Huddleston Memorial Bridge,

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

**H. C. R. 99**, U. S. Army CPL Russell Allen Taylor Memorial Bridge,

**H. C. R. 103**, French & Indian War Veterans Memorial Bridge,

And,

**H. C. R. 105**, U. S. Air Force Colonel Rishel C. Walker Memorial Bridge,

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

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 2, H. C. R. 6, H. C. R. 11, H. C. R. 27, H. C. R. 28, H. C. R. 40, H. C. R. 47, H. C. R. 51, H. C. R. 60, H. C. R. 63, H. C. R. 64, H. C. R. 66, H. C. R. 67, H. C. R. 68, H. C. R. 79, H. C. R. 80, H. C. R. 83, H. C. R. 88, H. C. R. 91, H. C. R. 92, H. C. R. 94, H. C. R. 99, H. C. R. 103 and H. C. R. 105) were referred to the Committee on Rules.

### **Messages from the Executive**

The following communication from His Excellency, the Governor, setting forth his disapproval of a bill heretofore passed by both houses, was read by the Clerk:

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

February 24, 2020

#### **Veto Message**

The Honorable Roger Hanshaw  
Speaker, West Virginia House of Delegates  
Room 228M, Building 1  
State Capitol Complex  
1900 Kanawha Blvd., East  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 2086

Dear Speaker Hanshaw:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for House Bill 2086 for technical reasons.

The Act adopts the Uniform Real Property Electronic Recording Act. This new law, among other things, creates a Real Property Electronic Recording Standards Advisory Committee to establish standards and practices to be used by West Virginia County Clerks when electronically recording deeds and other such documents. The introduced bill placed the responsibility to establish this committee with the Commissioner of the Division of Highways. The Senate Judiciary Committee amended the bill to place that responsibility with the Secretary of State. That change created some



internal conflicts. A corrective floor amendment was filed electronically, but was not filed with the Senate Clerk's office. Therefore, it was never taken up to correct the internal conflicts. For this reason, I disapprove and return the bill. I urge the Legislature to correct this technical issue, and to return the bill to my desk for signature.

Sincerely,

Jim Justice,  
Governor.

On motion of Delegate Summers, in accordance with Section 51, Article VI of the Constitution, the House of Delegates proceeded to reconsider Enrolled Committee Substitute for House Bill 2086, in an effort to meet the objections of the Governor.

An amendment offered by Delegate Shott, in an effort to meet the objections of the Governor, was reported by the Clerk and adopted, on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 4. UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT.**

**§39A-4-1. Short title.**

This article may be cited as the Uniform Real Property Electronic Recording Act.

**§39A-4-2. Definitions.**

For purposes of this article, the following terms shall have the meanings stated below:

(1) ‘Document’ means information that is:

(A) Inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

(B) Eligible to be recorded in the land records maintained by the clerk of the county commission, herein after ‘county clerk’ or ‘clerk’.

(2) ‘Electronic’ means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) ‘Electronic document’ means a document that is received by the county clerk in an electronic form.

(4) ‘Electronic signature’ means an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

(5) ‘Person’ means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, instrumentality or any other legal or commercial entity.

(6) ‘State’ means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

**§39A-4-3. Validity of electronic documents.**

(a) If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium or be in writing, the requirement is satisfied by an electronic document satisfying the requirements of this article.

(b) If a law requires, as a condition for recording, that a document be signed, the requirement is satisfied by an electronic signature.

(c) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature on a document that complies with the electronic notarization procedure under §39-4-19 of this code and §153 CSR 45.

**§39A-4-4. Recording of documents.**

(a) In this section, 'paper document' means a document that is received by the county clerk in a form that is not electronic.

(b) A county clerk:

(1) Who implements any of the functions listed in this section shall do so in compliance with standards established by the Real Property Electronic Recording Standards Advisory Committee pursuant to §39A-4-5 of this code;

(2) May receive, index, store, archive, and transmit electronic documents;

(3) May provide for access to, and search and retrieval of, documents and information by electronic means;

(4) Who accepts electronic documents for recording shall continue to accept paper documents as authorized by state law and shall place entries for both types of documents in the same index;

(5) May convert paper documents accepted for recording into electronic form;

(6) May convert information recorded before the clerk began to record electronic documents into electronic form;

(7) May accept electronically any fee or tax relating to electronic recording of real property documents that the clerk is authorized to collect; and

(8) May agree with other officials of a state or a political subdivision thereof, or of the United States, on procedures or processes to facilitate the electronic satisfaction of prior approvals and conditions precedent to recording and the electronic payment of fees and taxes.

**§39A-4-5. Administration and standards.**

(a) For the purpose of keeping the standards and practices of county clerks in this state in harmony with the standards and practices of recording offices in other jurisdictions that enact substantially the Uniform Real Property Electronic Recording Act, and to keep the technology used by clerks in this state compatible with technology used by recording offices in other jurisdictions that

enact substantially this act, the Secretary of State shall establish the Real Property Electronic Recording Standards Advisory Committee, developed pursuant to this article, to assist in the adoption, amendment, and repeal of standards and practices.

(b) The Secretary of State shall appoint at least 18 persons to serve on the committee. In selecting persons to serve on the committee, the Secretary of State shall appoint:

(1) At least one person who is an attorney who specializes in title work;

(2) At least one person who is a specialist in geographic information system (GIS) mapping;

(3) A representative of the Division of Highways;

(4) A representative of the County Clerks' Association;

(5) A representative of the County Commissioners' Association;

(6) A representative of the State Auditor;

(7) A representative of the Governor's Office of Technology;

(8) A representative of the Division of Culture and History;

(9) A representative of the Community Bankers of West Virginia;

(10) A representative of the West Virginia Bankers' Association;

(11) A representative of the West Virginia Housing Development Fund;

(12) A representative of the Real Estate Division of the Department of Administration;

(13) A representative of the Property Tax Division of the Department of Tax and Revenue;

(14) A representative of the West Virginia Board of Professional Surveyors;

(15) A representative of the West Virginia Real Estate Commission;

(16) At least one representative representing the mineral extraction industry;

(17) A representative of the West Virginia University College of Law with experience in real property law; and

(18) A representative of the Real Estate Lawyers Division of the West Virginia State Bar Association.

(c) In establishing, amending, and repealing standards and practices for the recording of documents in electronic form, storing electronic records, and setting up systems for searching for and retrieving these land records, the committee shall consider:

(1) Standards and practices of other jurisdictions;

(2) The most recent standards promulgated by national standard-setting bodies such as the Property Records Industry Association;

(3) The views of interested persons and governmental officials and entities;

(4) The needs of counties of varying size, population, and resources; and

(5) Standards requiring adequate information security protection to ensure that electronic documents are accurate, authentic, adequately preserved, and resistant to tampering.

(d) The Secretary of State, or his or her designee, shall serve as chair of the Real Property Electronic Recording Standards Advisory Committee.

(e) The Secretary of State shall:

(1) Provide administrative support to the committee; and

(2) Propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code that contain the standards to implement this article.

(f) Each person, agency, board, and organization on the committee shall cover his or her own expenses necessitated by participation on the committee.

(g) The Secretary of State shall submit a report to the Joint Committee on Government and Finance on or before January 1 of each year until its tasks are complete. The report shall include its efforts to adopt standards in accordance with the requirements of this article and recommendations for further legislative action necessary to effectuate the purposes of this article.

#### **§39A-4-6. Uniformity of application and construction.**

In applying and construing the Uniform Real Property Electronic Recording Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

#### **§39A-4-7. Relation to electronic signatures in global and national commerce act.**

This article modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. §7001, *et seq.*) but does not modify, limit or supersede §101(c) of that act (15 U.S.C. §7001(c)) or authorize electronic delivery of any of the notices described in §103(b) of that act (15 U.S.C. §7003(b)).”

On the question of passage of the bill, as amended in an effort to meet the objections of the Governor, the yeas and nays were taken (**Roll No. 376**), and there were—yeas 97, nays none, absent and not voting 3, with the yeas, nays, and absent and not voting being as follows:

Yeas: Anderson, Angelucci, Atkinson, Azinger, Barnhart, Barrett, Bartlett, Bates, Bibby, Boggs, N. Brown, S. Brown, Butler, Byrd, Cadle, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Criss, Dean, Diserio, Ellington, Espinosa, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Foster, Graves, Hamrick, Hanna, Hansen, Hardy, Hartman, Hicks, Higginbotham, Hill, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Lavender-Bowe, Linville, Little, Longstreth, Lovejoy, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Miley, Miller, Nelson, Pack, Paynter, Pethtel, Phillips, Porterfield, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Shott, Skaff, Sponaugle, Staggers, Steele, Summers,

Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Waxman, Westfall, Williams, Wilson, Zukoff and Hanshaw (Mr. Speaker).

Nays: None.

Absent and Not Voting: Doyle, Storch and Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Enr. Com. Sub. for H. B. 2086) passed, as a result of the objections of the Governor.

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

### **Messages from the Senate**

A message from the Senate, by

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

**H. B. 3039**, Relating to a court's consideration of the expression of a preference by a child in certain child custody matters.

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

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

#### **"CHAPTER 44. ADMINISTRATION OF ESTATES AND TRUSTS.**

#### **ARTICLE 10. GUARDIANS AND WARDS GENERALLY.**

#### **§44-10-4. Right of minor to nominate guardian.**

(a) If the minor is above the age of fourteen years, he or she may in the presence of the circuit or family court, or in writing acknowledged before any officer authorized to take the acknowledgment of a deed, nominate his or her own guardian, who, if approved by the court, shall be appointed accordingly.

(b) If the minor is below the age of fourteen years and, if the court determines it is in the best interests of the minor, the court may consider the firm and reasonable preferences of a minor who, in the discretion of the court, is sufficiently matured that he or she can intelligently express a preference. He or she may in the presence of the circuit or family court, or in writing acknowledged before any officer authorized to take the acknowledgment of a deed, nominate his or her own guardian, who, if approved by the court, after giving that preference the weight warranted by the circumstances, shall be appointed accordingly.

~~(b)~~ (c) If the guardian nominated by the minor is not appointed by the court, or if the minor resides outside the state, or if, after being summoned, the minor neglects to nominate a suitable person, the

court may appoint the guardian in the same manner as if the minor were under the age of fourteen years.

## CHAPTER 48. DOMESTIC RELATIONS.

### ARTICLE 9. ALLOCATION OF CUSTODIAL RESPONSIBILITY AND DECISION-MAKING RESPONSIBILITY OF CHILDREN.

#### §48-9-206. Allocation of custodial responsibility.

(a) Unless otherwise resolved by agreement of the parents under §48-9-201 of this code or unless harmful to the child, the court shall allocate custodial responsibility so that, except to the extent required under §48-9-209 of this code, the custodial time the child spends with each parent may be expected to achieve any of the following objectives:

(1) To permit the child to have a meaningful relationship with each parent who has performed a reasonable share of parenting functions;

(2) To accommodate, if the court determines it is in the best interests of the child, the firm and reasonable preferences of a child who is 14 years of age or older; and ~~with regard to accommodate, if the court determines it is in the best interests of the child, the firm and reasonable preferences of a child under 14 years of age, but sufficiently matured that he or she can intelligently express a voluntary preference for one parent, to give that preference the weight warranted by the circumstances;~~

(3) To keep siblings together when the court finds that doing so is necessary to their welfare;

(4) To protect the child's welfare when, under an otherwise appropriate allocation, the child would be harmed because of a gross disparity in the quality of the emotional attachments between each parent and the child, or in each parent's demonstrated ability or availability to meet a child's needs;

(5) To take into account any prior agreement of the parents that, under the circumstances as a whole, including the reasonable expectations of the parents in the interest of the child, would be appropriate to consider;

(6) To avoid an allocation of custodial responsibility that would be extremely impractical or that would interfere substantially with the child's need for stability in light of economic, physical, or other circumstances, including the distance between the parents' residences, the cost and difficulty of transporting the child, the parents' and child's daily schedules, and the ability of the parents to cooperate in the arrangement;

(7) To apply the principles set forth in §48-9-403(d) of this code if one parent relocates or proposes to relocate at a distance that will impair the ability of a parent to exercise the amount of custodial responsibility that would otherwise be ordered under this section;

(8) To consider the stage of a child's development; and

(9) To consider which parent will encourage and accept a positive relationship between the child and the other parent, including which parent is more likely to keep the other parent involved in the child's life and activities.

(b) The court may consider the allocation of custodial responsibility arising from temporary agreements made by the parties after separation if the court finds, by a preponderance of the

evidence, that such agreements were consensual. The court shall afford those temporary consensual agreements the weight the court believes the agreements are entitled to receive, based upon the evidence. The court may not consider the temporary allocation of custodial responsibility imposed by a court order on the parties.

(c) If the court is unable to allocate custodial responsibility under §48-9-206(a) of this code because the allocation under §48-9-206(a) of this code would be harmful to the child, or because there is no history of past performance of caretaking functions, as in the case of a newborn, or because the history does not establish a pattern of caretaking sufficiently dispositive of the issues of the case, the court shall allocate custodial responsibility based on the child's best interest, taking into account the factors in considerations that are set forth in this section and in §48-9-209 and §48-9-403(d) of this code and preserving to the extent possible this section's priority on the share of past caretaking functions each parent performed.

(d) In determining how to schedule the custodial time allocated to each parent, the court shall take account of the economic, physical, and other practical circumstances such as those listed in §48-9-206(a)(6) of this code.

#### **§48-9-402. Modification without showing of changed circumstances.**

(a) The court shall modify a parenting plan in accordance with a parenting agreement, unless it finds that the agreement is not knowing and voluntary or that it would be harmful to the child.

(b) The court may modify any provisions of the parenting plan without the showing of change circumstances required by §48-9-401(a) if the modification is in the child's best interests, and the modification:

(1) Reflects the de facto arrangements under which the child has been receiving care from the petitioner, without objection, in substantial deviation from the parenting plan, for the preceding six months before the petition for modification is filed, provided the arrangement is not the result of a parent's acquiescence resulting from the other parent's domestic abuse;

(2) Constitutes a minor modification in the plan; or

(3) Is necessary to accommodate the reasonable and firm preferences of a child who, has attained the age of fourteen; or

(4) Is necessary to accommodate the reasonable and firm preferences of a child who, is under the age of fourteen and, in the discretion of the court, is sufficiently matured that he or she can intelligently express a voluntary preference.

(c) Evidence of repeated filings of fraudulent reports of domestic violence or child abuse is admissible in a domestic relations action between the involved parties when the allocation of custodial responsibilities is in issue, and the fraudulent accusations may be a factor considered by the court in making the allocation of custodial responsibilities."

And,

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

**H. B. 3039** – "A Bill to amend and reenact §44-10-4, §48-9-206, and §48-9-402 of the Code of West Virginia, 1931, as amended, all relating to a court's consideration of the right of a minor to nominate his or her guardian and to a court's consideration of the expression of a preference by a

child in certain child custody matters; and giving the court discretion to consider the preferences of a child under the age of fourteen years who is sufficiently matured that he or she can intelligently express a voluntary preference.”

With the further title amendment, offered by Delegate Shott, being as follows:

**H. B. 3039** – “A Bill to amend and reenact §44-10-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-9-206 and §48-9-402 of said code, all relating to a court’s consideration of the right of a minor to nominate his or her guardian and to a court’s consideration of the expression of a preference by a child in certain child custody matters; and giving the court discretion to consider the preferences of a child under the age of fourteen years who is sufficiently matured that he or she can intelligently express a voluntary preference.”

The bill, as amended by the Senate, and further amended by the House, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 377**), and there were—yeas 83, nays 16, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: S. Brown, Canestraro, Doyle, Fleischauer, Fluharty, Hansen, Hicks, Miley, Miller, Robinson, Rowe, Sponaugle, Storch, C. Thompson, Walker and Zukoff.

Absent and Not Voting: Worrell.

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

A message from the Senate, by

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

**H. B. 4149**, Relating to insurance.

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

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

#### “ARTICLE 4. GENERAL PROVISIONS.

##### §33-4-2. Application of chapter to particular types of insurers.

(a) No provision of this chapter shall apply to:

(1) Hospital service corporations and medical service corporations except as stated in §33-24-1 *et seq.* of this code;

(2) Fraternal benefit societies except as stated in §33-23-1 *et seq.* of this code;

(3) Farmers’ mutual fire insurance companies except as stated in §33-22-1 *et seq.* of this code;

(4) Warranties;



(5) Service contracts;

(6) Maintenance agreements.

(b) For the purposes of this article:

(1) 'Holder' means a resident of this state who either purchases a service agreement or is legally in possession of a service contract and is entitled to enforce the rights of the original purchaser of the service contract.

(2) 'Incidental costs' means expenses specified in a vehicle protection product warranty that are incurred by the warranty holder due to the failure of a vehicle protection product to perform as provided in the contract. Incidental costs may be reimbursed in either a fixed amount specified in the vehicle protection product warranty or by use of a formula itemizing specific incidental costs incurred by the warranty holder.

~~(2)~~ (3) 'Maintenance agreement' means a contract for a limited period that provides only for scheduled maintenance.

~~(3)~~ (4) 'Provider' means a person who is obligated to a holder pursuant to the terms of a service contract to repair, replace, or perform maintenance on or to indemnify the holder for the costs of repairing, replacing, or performing maintenance on goods.

(5) 'Road hazard' means a hazard that is encountered while driving a motor vehicle, which may include potholes, rocks, wood debris, metal parts, glass, plastic, curbs, or composite scraps.

~~(4)~~ (6) 'Service contract' means an agreement entered into for a separately stated consideration and for a specified term under which a provider agrees to repair, replace, or maintain a product or provide indemnification for the repair, replacement, or maintenance of a product for operational or structural failure caused by a defect in materials or workmanship or by normal wear. A service contract may additionally provide for incidental payment or indemnity under limited circumstances, including towing, rental, and emergency road service or for the repair or replacement of a product for damage resulting from power surges or accidental damage incurred in handling the product. 'Service contract' includes a contract or agreement that provides for one or more of the following:

(A) The repair or replacement of tires or wheels on a motor vehicle damaged as a result of coming into contact with road hazards;

(B) The removal of dents, dings, or creases on a motor vehicle that can be repaired using the process of paintless dent removal without affecting the existing paint finish and without replacing vehicle body panels, sanding, bonding, or painting;

(C) The repair of chips or cracks in, or the replacement of, motor vehicle windshields as a result of damage caused by road hazards;

(D) The replacement of a motor vehicle key or key-fob in the event that the key or key-fob becomes inoperable or is lost or stolen;

(E) The repair of damage to the interior components of a motor vehicle caused by wear and tear;

(F) The cosmetic repair of minor damage such as scuffs, scratches, scrapes, or rash on exterior surfaces of a motor vehicle; or

(G) In conjunction with a motor vehicle leased for use, the repair, replacement, or maintenance of property, or indemnification for repair, replacement, or maintenance, due to excess wear and use, damage for items such as tires, paint cracks or chips, interior stains, rips or scratches, exterior dents or scratches, windshield cracks or chips, missing interior or exterior parts, or excess mileage that result in a lease-end charge, or any other charge for damage that is deemed as excess wear and use by a lessor under a motor vehicle lease, provided any such payment does not exceed the purchase price of the vehicle.

(7) 'Vehicle protection product' means a protective chemical, substance, device, or system that: (A) is installed on or applied to a motor vehicle; (B) is designed to prevent loss or damage to a motor vehicle from a specific cause; and (C) includes a vehicle protection product warranty. 'Vehicle protection product' does not include fuel additives, oil additives, or other chemical products applied to the engine, transmission, or fuel system.

(8) 'Vehicle protection product warranty' means a warranty that provides that if the vehicle protection product fails to prevent loss or damage to a motor vehicle from a specific cause, the warrantor will pay to or on behalf of the warranty holder specified incidental costs as a result of the failure of the vehicle protection product to perform pursuant to the terms of the vehicle protection product warranty.

~~(5)~~ (9) 'Warranty' means in relation to a product or service an undertaking that guarantees indemnity for defective parts, mechanical or electrical breakdown, labor costs, or other remedial measures, such as repair or replacement of the product or repetition of services, and that is made solely by the manufacturer, importer, or seller of the product or services made without payment of additional consideration, not negotiated or separated from the sale of the product or service and incidental to the sale of the product or service. 'Warranty' includes a vehicle protection product warranty."

And by amending the title of the bill to read as follows:

**H. B. 4149** – “A Bill to amend and reenact §33-4-2 of the Code of West Virginia, 1931, as amended, relating to insurance; clarifying when insurance code chapter provisions are not applicable; adding definitions; and clarifying 'service contract' and 'warranty' definitions.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 378**), 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: Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4149) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, with amendment, and changed the effective date, to take effect July 1, 2020, in the changed effective date, a bill of the House of Delegates, as follows:

**H. B. 4359**, Modifying the filing fees for insurers.

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

On page one, section thirty-four, lines one through three, by striking out all of subsection (a) and inserting in lieu thereof a new subsection, designated subsection (a), to read as follows:

“(a) As used in this section, ‘filing’ means any form filing made pursuant to §33-6-8 of this code or any rule or rate filing made pursuant to this chapter.”

And,

On page one, section thirty-four, line eleven, after the word “refunded”, by inserting a comma.

And,

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

**H. B. 4359** – “A Bill to amend and reenact §33-6-34 of the Code of West Virginia, 1931, as amended, relating to modifying the filing fees for insurers; permitting multiple insurers to make a single filing with a fee collected from each insurer; defining ‘filing’; and deleting language.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 379**), and there were—yeas 91, nays 8, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Butler, Cadle, Hanna, Hill, J. Jeffries, Lavender-Bowe, Maynard and Paynter.

Absent and Not Voting: Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4359) passed.

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

On this question, the yeas and nays were taken (**Roll No. 380**), and there were—yeas 94, nays 5, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Butler, Cadle, Howell, J. Jeffries and Paynter.

Absent and Not Voting: Worrell.

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

A message from the Senate, by

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

**H. B. 4501**, Relating to the ability to refuse offenders for commitment to a jail.

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

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

**“CHAPTER 15A. DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY.**

**ARTICLE 5. BUREAU OF PRISONS AND JAILS.**

**§15A-5-9. Ability to refuse offenders.**

(a) Notwithstanding any other provision of this code, the commissioner, or any employee or agent of the division, having authority to accept offenders in a jail is not required to accept those offenders if an offender appears to be in need of medical attention of a degree necessitating treatment by a physician. If an offender is refused pursuant to the provisions of this section, he or she may not be accepted for detention until a written clearance is received from a licensed physician reflecting that the offender has been examined and if necessary treated, and which states that it is the physician’s medical opinion that the offender can be safely housed in a jail.

(b) Notwithstanding the provisions of subsection (a) of this section, the division, the commissioner, or any employee or agent of the division, may accept an offender into custody who appears to be in need of medical attention of a degree necessitating treatment by a licensed medical professional, who refuses a medical examination or medical treatment to a licensed medical professional, and is immune from civil or criminal liability for accepting the person into custody.

**CHAPTER 62. CRIMINAL PROCEDURE.**

**ARTICLE 1C. BAIL.**

**§62-1C-14. Bailpiece; issuance to surety; taking accused into custody.**

(a) A bailpiece is a certificate stating that the bail became such for the accused in a particular case and the amount thereof. Upon demand therefor, the court, magistrate, or clerk shall issue to the bail bondsperson a bailpiece. Any officer having authority to execute a warrant of arrest shall assist the bail bondsperson holding such bailpiece to take the accused into custody and produce him or her before the court or magistrate. The bail bondsperson may take the accused into custody and surrender him or her to the court or magistrate without such bailpiece.

(b) If bailpiece is inaccessible due to unavailability of the court’s circuit clerk or magistrate, the bail bondsperson, or his or her designee, can take an offender to a regional ~~or county~~ jail without bailpiece, and the jail must accept the offender, provided:

(1) The bail bondsperson, or his or her designee, delivering an offender to a jail without a bailpiece issued by the court’s circuit clerk or magistrate appears on the registered list maintained at the jails and approved by the court of original jurisdiction;

(2) The bail bondsperson signs an agreement provided by the jail indicating that the offender has been booked in lieu of bailpiece. Such agreement shall contain a clause indicating the incarceration of such offender is lawful and that the jail accepting the offender shall be held harmless from any claims of illegal incarceration or other relative charges; thereby, such bail bondsperson assumes the risk and liability of such incarceration; and

(3) Bailpiece must be applied for by the bail bondsperson or his or her designee from the court’s circuit clerk or magistrate and hand-delivered by the bail bondsperson or his or her designee to the jail housing such offender on the next judicial day following the initial intake.

(c) Any bail bondsperson who willfully fails to attempt to obtain the appropriate bailpiece within the allotted time period provided in subsection (b) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be prohibited from continuing to conduct business in this state and shall be fined not more than \$1,000 and confined in the regional ~~or county~~ jail not more than one year.

(d) No officer, jailer, or other person having authority to accept offenders in a ~~county or regional~~ jail is required to accept such offenders being housed in lieu of bailpiece except as set forth in §15A-5-9 of this code. ~~if such offender appears to be in need of medical attention of a degree necessitating treatment by a physician. If an offender is refused pursuant to the provisions of this section, he or she may not be accepted for detention until the bail bondsperson, or his or her designee, provides the jailer or persons accepting such offender with a written clearance from a licensed physician reflecting that the offender has been examined and, if necessary, treated, and which states that it is the physician's medical opinion that the offender can be safely confined in the county or regional jail~~

(e) The ~~Regional Jail Authority~~ Division of Corrections and Rehabilitation, the county sheriff, county commission, or any of their agents or employees, shall be immune from liability for any claims of illegal incarceration or other relative charges for any offender accepted into a facility under this section.

## ARTICLE 6. MISCELLANEOUS PROVISIONS CONCERNING CRIMINAL PROCEDURES.

### §62-6-6a. Disposition of prisoners.

[Repealed]"

And,

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

**H. B. 4501** – “A Bill to repeal §62-6-6a of the Code of West Virginia, 1931, as amended; to amend and reenact §15A-5-9 of said code; and to amend and reenact §62-1C-14 of said code, all relating to the ability to refuse offenders for commitment to a jail; authorizing the acceptance of certain offenders refusing ordered examination or medical treatment; granting civil and criminal immunity to the division, the commissioner, employees and agents of the division for accepting offenders who refuse a medical examination or medical treatment; and clarifying conditions and circumstances under which division employees accept or refuse to accept offenders brought to a regional jail pursuant to a bailpiece.”

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 381**), and there were—yeas 81, nays 18, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, S. Brown, Canestraro, Caputo, Evans, Fast, Fleischauer, Fluharty, Hicks, Lavender-Bowe, Longstreth, Pushkin, Robinson, Rowe, Sponaugle, Steele and Walker.

Absent and Not Voting: Worrell.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4501) passed.

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

On this question, the yeas and nays were taken (**Roll No. 382**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fast, Steele and Walker.

Absent and Not Voting: Worrell.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4501) takes effect from its passage.

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

A message from the Senate, by

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

**Com. Sub. for S. B. 28** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-19, relating to permitting West Virginia Board of Medicine investigators to carry a concealed weapon; establishing procedures and criteria for allowing investigators to carry a concealed weapon; and limiting liability for good faith acts or omissions"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 38** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9a, relating to allowing county boards of education to offer students in grade nine or above an elective social studies course on sacred texts or comparative world religions; permitting a student to use a translation of his or her choice; requiring county board of education to submit to the West Virginia Department of Education the course standards, including the teacher qualifications and required professional development; and imposing requirements applicable to the course, the county board of education, and the State Board of Education"; which was referred to the Committee on Education then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 66** - "A Bill to amend and reenact §24-6-12 and §24A-2-2b of the Code of West Virginia, 1931, as amended, all relating to emergency towing services; requiring county commissions to create districts whereby towing services within a district may be dispatched or implement a policy whereby all available towing services within an area currently served by an organization are dispatched on a rotating basis; defining a term; and eliminating sunset and legislative review provisions"; 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

**Com. Sub. for S. B. 120** - "A Bill to amend and reenact §22-10-6 of the Code of West Virginia, 1931, as amended, relating to the establishment of priorities for expenditures for plugging abandoned

gas or oil wells; and to require money that results from the forfeiture of an oil and gas operator's bond as a result of the operator's failure to plug a well or otherwise comply with state statutes and rules to first be applied to correct or mitigate an immediate threat to the environment or hindrance or impediment to the development of mineral resources of this state that caused the forfeiture of the bond"; which was referred to the Committee on Energy.

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. 160** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-33c, relating to West Virginia University Rifle Team electronic application donation program; including solicitation for voluntary donation to West Virginia University Rifle Team on application for hunting or fishing electronic license; providing opportunity to designate donation in any amount; creating special account; establishing funding sources; specifying terms for expenditures; authorizing disbursements and administrative fee; and requiring annual reports"; 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. 193** - "A Bill to amend and reenact §5A-3-10 of the Code of West Virginia, 1931, as amended, relating to establishing deadlines for spending units to submit procurements to the Purchasing Division when a continuing procurement for goods and services exceeds \$1 million"; 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. 269** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, and §16-5AA-6, all relating to establishing an advisory council on rare diseases; creating the advisory council and its composition; setting terms of members; defining terms; defining duties, subject to the availability of resources; defining powers of the advisory council; setting out particular discretionary duties of the Secretary of the Department of Health and Human Resources; and establishing a special revenue account"; which was referred to the Committee on Health and Human Resources then 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. 278** - "A Bill to amend and reenact §27-6A-3 of the Code of West Virginia, 1931, as amended, relating to a defendant's competency to stand trial; and actions of the circuit judge"; 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. 312** - "A Bill to amend and reenact §30-30-16 and §30-30-18 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-30-30, all relating to provisional licensure requirements for social workers; creating licensure exception for Bureau for Children and Families service workers; permitting emergency rulemaking; creating registration process for service workers employed by the Bureau for Children and Families; providing deadline for conversion of license to registry; and setting forth registration eligibility criteria and continuing education requirements"; 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. 355** - "A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to State Fire Code"; 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. 513** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, and §46A-6O-6, all relating to automatic purchase renewal offers and continuous service offers; stating legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge the consumer for an automatic renewal or continuous services without first obtaining the consumer's affirmative consent; providing acknowledgement requirements; providing that a business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays if the offer includes a free gift or trial; providing that a business shall provide certain mechanisms for cancellation of the automatic renewal or continuous offer in the acknowledgement; requiring a business to provide contact information to the consumer; providing means for terminating the automatic renewal or continuous service offer online; providing notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; providing that a business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares, merchandise, or products to a consumer without first obtaining the consumer's affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or her representative, to the business; providing written notice requirements; providing mailing requirements; providing the business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the accepted cure offer; providing that the written notice is a jurisdictional prerequisite to bringing a cause of action; prohibiting certification of certain class action litigation; providing the court discretion to award plaintiff costs of the action, including reasonable attorney's fees; providing that plaintiff is not entitled to costs and attorney's fees under certain circumstances; providing a statute of limitations; providing that the statute of limitations shall be tolled; and stating exemptions"; 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. 521** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-9A-1, §5-9A-2, §5-9A-3, and §5-9A-4, all relating to job creation and economic incentives; requiring Secretary of Commerce to review all tax and economic incentives; establishing guidelines for review of incentives; requiring annual report; providing confidentiality provisions; and defining terms"; 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

**Com. Sub. for S. B. 616** - "A Bill to amend and reenact §6C-2-3 and §6C-2-6 of the Code of West Virginia, 1931, as amended, all relating generally to the employment grievance procedure for public employees; limiting the number of grievances in which an employee representative may participate per year; clarifying the amount of time an employee may spend during work hours for grievance preparation; providing that employees and employee representatives may not use state vehicles to travel to and from grievance proceedings or grievance preparation activities; and eliminating provisions authorizing a grievant to recover court costs and attorney's fees for certain grievance proceedings"; which was referred to the Committee on Government Organization then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 648** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-12a, relating to providing dental coverage for adult Medicaid recipients; providing limitations; defining terms; designating the Department of Health and Human Resources as the responsible department to implement these provisions; providing effective date; providing for the Department of Health and Human Resources to seek authority for the Centers for Medicare and Medicaid Services to implement the program; and making the provisions of the section effective only upon approval by Centers for Medicare and Medicaid Services of specified provider taxes"; which was referred to the Committee on Health and Human Resources then 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. 653** - "A Bill to amend and reenact §50-1-2 and §50-1-6 of the Code of West Virginia, 1931, as amended, all relating generally to magistrate courts; establishing the number of magistrates to serve in each county of the state; increasing the number of magistrates to serve in certain counties beginning on January 1, 2021; and providing for the initial filling of vacancies in newly created magisterial offices"; which was referred to the Committee on the Judiciary then 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. 680** - "A Bill to amend and reenact §18-2E-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18C-9-3 of said code, all relating to qualifying not-for-profit

private baccalaureate institutions for the Advanced Career Education programs and the West Virginia Invests Grant Program”; which was referred to the Committee on Education then 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. 687** - “A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to increasing the compensation of elected county officials”; 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

**Com. Sub. for S. B. 690** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17A-13-1, relating to the operation of street-legal special purpose vehicles; permitting the operation of street-legal special purpose vehicles on highways; providing for registration of street-legal special purpose vehicles; establishing licensing and equipment requirements for street-legal special purpose vehicles; defining terms; and requiring rulemaking”; 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

**Com. Sub. for S. B. 700** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-2-10, relating to permitting allopathic and osteopathic physicians to be exempt from specified traffic laws in emergency situations when responding to an emergency call and displaying emblem; providing that physicians must still exercise due care for safety; and providing for rulemaking”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 710** - “A Bill to amend and reenact §30-3-13a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §30-3-13b; to amend and reenact §30-14-12d of said code; and to amend said code by adding thereto a new section, designated §30-14-12e, all relating to practice of telemedicine; establishing a pilot program for members of the Public Employees Insurance Agency; setting a sunset date for pilot program; providing for use of audio-only engagement in certain circumstances; and providing for an independent audit”; 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. 711** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-4-726, relating to directing the Secretaries of the Department of Health and Human Resources, the Department of Military Affairs and Public Safety, and requesting that the Juvenile Justice Commission of the Supreme Court of Appeals to collaborate and undertake an investigation of numerous issues related to juvenile justice, juvenile competency,

and procedures for dealing with juveniles found incompetent to assist counsel in proceedings against them; and are determined to be nonrestorable; requiring certain recommendations and proposed legislation; and requiring the report and proposed legislation be supplied to the President of the Senate and the Speaker of the House of Delegates on or before July 31, 2020"; 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. 716** - "A Bill to amend and reenact §9-5-12 of the Code of West Virginia, 1931, as amended, relating to requiring Department of Health and Human Resources to make payment for tubal ligation without requiring at least 30 days between the date of informed consent and date of the tubal ligation procedure"; which was referred to the Committee on Health and Human Resources then 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. 732** - "A Bill to amend and reenact §29-21-2 of the Code of West Virginia, 1931, as amended, relating to authorizing the payment of fees and reimbursement of expenses of attorneys who participate on court teams or advisory bodies of specialty courts established by the Supreme Court of Appeals"; which was referred to the Committee on the Judiciary then 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. 738** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-9-1, relating to creating the Flatwater Trail Commission; describing role, function, and duties of the commission; establishing criteria qualifications for the appointment of members; specifying duties; declaring the responsibilities of the Department of Commerce regarding the commission; providing for reimbursement of the expenses for members; and defining a quorum to conduct business"; 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

**Com. Sub. for S. B. 739** - "A Bill to amend and reenact §8-12-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-16-18 of said code; to amend and reenact §8-19-4 of said code; to amend and reenact §8-20-10 of said code; to amend and reenact §16-13-16 of said code; to amend and reenact §16-13A-9 of said code; to amend and reenact §24-2-1, §24-2-4a, and §24-2-11 of said code; to amend said code by adding thereto a new article, designated §24-2H-1, §24-2H-2, §24-2H-3, §24-2H-4, §24-2H-5, §24-2H-6, §24-2H-7, §24-2H-8, and §24-2H-9; and to amend and reenact §31-15A-9 of said code, all relating to authorizing the Public Service Commission to protect the consumers of distressed and failing water and wastewater utilities by ordering various corrective measures up to and including acquisition of a failing utility by a capable water or wastewater utility; clarifying Public Service Commission jurisdiction over water and sewer utilities owned by political subdivisions; establishing uniformity in the class of publications required by

municipalities and public service districts for the revision in rates; providing a time period for the filing of and resolution of complaints filed at the Public Service Commission regarding actions of public service districts and municipalities; cleaning up language regarding reference to other sections of the code regarding notice requirements for municipal utilities; regarding time period pertaining to the filing of appeals and the resolution of appeals for rate and construction projects decided by county commissions; adding language to allow the commission to order the acquisition of failing water and wastewater utilities; and allowing water and/or wastewater utilities access to public funds at below market-rates and grants to repair, replace, and improve acquired failing utilities"; 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. 745** - "A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to the creation of an exemption to the State Sales and Use Tax for the rental of equipment among corporations with a minimum of 50 percent common ownership"; 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. 750** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7d, relating to establishing extended learning opportunities to include alternative educational opportunities for elective course credit; requiring the state board to develop a policy for the approval of eligible programs and to promulgate a rule; and recognizing that county boards may authorize alternative educational opportunity programs and audit the same"; 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

**Com. Sub. for S. B. 752** - "A Bill to repeal §16A-4-2 of the Code of West Virginia, 1931, as amended; to repeal §16A-6-4 of said code; to repeal §16A-13-1 of said code; to amend and reenact §16A-2-1 of said code; to amend and reenact §16A-3-1, §16A-3-2, §16A-3-3, and §16A-3-5 of said code; to amend and reenact §16A-4-3 and §16A-4-5 of said code; to amend and reenact §16A-5-1 of said code; to amend and reenact §16A-6-2, §16A-6-3, §16A-6-6, §16A-6-12, and §16A-6-13 of said code; to amend said code by adding thereto a new section, designated §16A-6-14; to amend and reenact §16A-7-5 of said code; to amend and reenact §16A-8-2 of said code; to amend and reenact §16A-12-2, §16A-12-7, and §16A-12-8 of said code; to amend and reenact §16A-13-2, §16A-13-3, §16A-13-4, §16A-13-5, §16A-13-6, and §16A-13-8 of said code; to amend and reenact §16A-14-1, §16A-14-2, and §16A-14-3 of said code; and to amend and reenact §16A-15-2 and §16A-15-4 of said code, all relating to medical cannabis generally; defining terms; authorizing the Commissioner of the Bureau for Public Health to approve additions to the forms of lawful medical cannabis which may be used and the conditions for which medical cannabis use is authorized pursuant to recommendations of the Medical Cannabis Advisory Board; adding certain qualifying medical conditions; removing requirement for training course for physicians; requiring an eight-hour training course for principals and employees; providing unlawful use of medical cannabis is subject to the criminal code; removing restriction on dispensing dry leaf or plant form medical cannabis to a patient by a caregiver; clarifying public officials and family members who cannot own or operate medical

cannabis organizations; requiring employees of medical cannabis organizations to be registered and establishing a registration fee; authorizing the commissioner to enter into reciprocity agreements with other jurisdictions for terminally ill cancer patients; authorizing the commissioner to promulgate rules relating to 30-day supplies of medical cannabis; lowering fee to for replacement patient identification card; modifying criminal background check requirement for 5 percent ownership or less in privately held business entity and for publicly held entities; modifying permit fee for each medical cannabis organization location; removing the residency requirement for medical cannabis organization owners, operators, shareholders, partners, and members; adding certain convictions which preclude participation as or in a medical cannabis organization; clarifying that the Tax Division of the Department of Revenue is charged with monitoring medical cannabis pricing; removing requirement that the bureau must obtain approval of local boards of health for medical cannabis organizations; modifying and clarifying the distance a medical cannabis dispensary must be from certain educational facilities; modifying and clarifying entities engaged in medical cannabis research subject to nondisclosure provisions; removing requirement that certain federal agencies must preapprove medical cannabis research projects; authorizing accredited colleges, universities, and medical schools to be eligible to engage in approved medical cannabis research; clarifying that the governing body of an academic clinical research center must approve the institution's participation in a medical cannabis research project; requiring report of research sent to the bureau be made public within 180 days; increasing the number of clinical registrants; clarifying that only those public officials directly involved in the administrations of the medical cannabis program are prohibited from having a monetary interest in a medical cannabis organization; and adding accredited educational institutions engaged in research to the list of persons, entities, and organizations exempt from licensure, discipline for lawful use, possession, or manufacture of medical cannabis"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 758** - "A Bill to amend and reenact §16-4C-5 of the Code of West Virginia, 1931, as amended, relating to the authority of the Emergency Medical Services Advisory Council in reviewing rules proposed by the Commissioner of the Bureau for Public Health under the Emergency Medical Services Act"; 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

**Com. Sub. for S. B. 762** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7g; to amend said code by adding thereto a new section, designated §33-15-4u; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend said code by adding thereto a new section, designated §33-24-7u; to amend said code by adding thereto a new section, designated §33-25-8r; and to amend said code by adding thereto a new section, designated §33-25A-8u, all relating to creating the Preserving Patient Stability Act of 2020; setting forth definitions; prohibiting nonmedical switching of biological products; recognizing exemptions; providing effective date; and providing for enforcement"; which was referred to the Committee on Health and Human Resources then 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. 765** - "A Bill to amend and reenact §61-11-18 and §61-11-19 of the Code of West Virginia, 1931, as amended, all relating to provisions of the Habitual Offender statute; and modifying provisions addressing eligibility of certain crimes for consideration, expiration of sentence prior to being considered, ineligibility for good time calculation, and eligibility for dual treatment under section allowing enhanced sentencing for second or subsequent offenses"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 785** - "A Bill to amend and reenact §3-3-2a of the Code of West Virginia, 1931, as amended, relating to prohibiting electioneering within 100 feet from the outside entrance of community voting locations during early voting periods"; 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. 797** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-19; to amend and reenact §17C-1-6 of said code; and to amend and reenact §30-29-1, §30-29-5, and §30-29-8 of said code, all relating generally to the authorization by governing boards of public and private hospitals to appoint and employ hospital police officers; providing for the qualifications, training, authority, compensation, and removal of hospital police officers; providing for the assistance of local law-enforcement agencies upon request; and providing limitations on liability of hospital police officers"; 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. 802** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-20, relating generally to the regulation of public utilities; providing legislative findings; providing that certain large volume end users may receive natural gas service without the permission, consent, control, review, or input of the West Virginia Public Service Commission; providing that the end user shall make certain certifications to the commission; providing that the commission shall receive, file, and retain all end user certifications; providing that no person, entity, or body shall be a public utility, intrastate pipeline, common carrier, or otherwise subject to the jurisdiction of the commission as a result of supplying such end users; and providing that provisions shall not prevent or impede the commission's safety regulation of pipelines"; 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

**Com. Sub. for S. B. 810** - "A Bill to amend and reenact §22-5-20 of the Code of West Virginia, 1931, as amended, relating to adoption of a state plan implementing the federal Affordable Clean Energy rule pursuant to section 111(d) of the federal Clean Air Act"; 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. 820** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-2A-2, relating to authorizing the Department of Health and Human Resources to transfer comprehensive community mental health centers and comprehensive intellectual disability facilities to regional mental health centers or regional intellectual disability facilities"; which was referred to the Committee on Health and Human Resources then Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 821** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7K-1, §55-7K-2, and §55-7K-3, all relating to providing immunity from civil liability to facilities and employees providing drug and alcohol detoxification services, substance use disorder services, drug overdose services on a short-term basis, or crisis stabilization services related to drug and alcohol detoxification services, substance use disorder services, drug overdose services on a short-term basis; establishing an effective date of July 1, 2020, for newly amended sections; and detailing the relationship of this article with §55-7B-1"; 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. 829** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2I-9, relating to establishing the Overland Recreation Fund as a special fund; specifying the purposes for which the fund may be used; and defining terms"; 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. 830** - "A Bill to repeal §5-5-4a of the Code of West Virginia, 1931, as amended, relating to eliminating a special merit-based employment system for health care professionals in state-operated health care facilities"; 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 July 1, 2020, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 832** - "A Bill to repeal §11-9-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-15-3, §11-15-4, §11-15-4a, §11-15-4b, and §11-15-13 of said code; and to amend and reenact §11-15A-5, §11-15A-6, and §11-15A-8 of said code, all relating to permitting retailers to assume or absorb any sales or use tax assessed on tangible personal property"; 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. 839** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1D-11, relating to creating the State Advisory Council on Postsecondary Attainment Goals; designating members of the council; providing for the powers and duties of the council; requiring certain state agencies to cooperate with the council; and establishing a sunset date for the council”; 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 July 1, 2020, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 840** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-6A-7A, relating to modifications of well work permits issued by the Department of Environmental Protection’s Office of Oil and Gas”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**S. B. 841** - “A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to requiring the Governor to fix the salaries of certain state-appointed officers after the office is vacated or after July 1, 2020, whichever occurs first; providing for an effective date; and requiring the salary be included in appointment letter”; 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. 842** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-3-13, all relating to requiring the State Superintendent of Schools to immediately establish a Behavior Interventionist Pilot Program in two county school districts for the duration of five years; setting forth criteria to be used in the selection of the two county school districts; allowing the two county school districts to immediately create a new behavior interventionist position; requiring the county superintendent to convene a committee consisting of certain school personnel and the education organizations to establish qualifications and hiring; requiring behavior interventionists to be designated by the county board as either a professional person or a service person; requiring the designated county school districts to establish the qualifications and training requirements; and requiring annual report to the Legislative Oversight Commission on Education Accountability”; 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. 846** - “A Bill to amend and reenact §16-5B-16 of the Code of West Virginia, 1931, as amended, relating to requiring a hospital to publish notification prior to facility closure regarding patient medical records, including films; requiring publication to take place upon closure; requiring publication to take place upon change in location of patient medical records; providing time frame to respond to patient request for medical records; providing penalty; and providing 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 and requested the concurrence of the House of Delegates in the passage, of

**S. B. 847** - "A Bill to amend and reenact §60A-2-204 and §60A-2-212 of the Code of West Virginia, 1931, as amended, all relating to updating the controlled substance lists in Schedules I and V"; 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. 848** - "A Bill to amend and reenact §62-16-5 of the Code of West Virginia, 1931, as amended, relating to providing that persons charged with certain offenses related to driving under the influence of alcohol or drugs are not eligible to participate in the Military Service Members Court"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 849** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-6-40, relating to military service as a factor in certain insurance coverage rates generally; prohibiting an insurance company from increasing premiums when reinstating an insurance contract; writing a new policy that was previously cancelled or suspended due to active duty military service of the insured; defining terms; and creating presumption of continuous coverage when lapse occurs while insured is on active duty."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (S. B. 849) 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. 850** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-21, relating to prohibiting racial discrimination based on certain hair textures and hairstyles"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 851** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-9-7, relating to requiring the Governor's Committee on Crime, Delinquency, and Correction to propose a legislative rule in coordination with law enforcement and certain medical boards; developing policies and protocols for law enforcement and medical professionals to create treatment referral programs for persons suffering from substance use disorder; setting forth requirements for policies and protocols; providing that existing criminal charges not affected; providing civil immunity for law-enforcement officers and medical professionals; and

requiring proposal of legislative and emergency rules”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

Delegates Shott, Ellington, Paynter and Evans offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 122** - “Requesting the Division of Highways to name a two-mile portion of U.S. Route 460 between its intersection with Bland Rd., otherwise known as WV Route 598, and its intersection with U.S. Route 52 in Mercer County, the ‘Eustice Frederick Memorial Road’.”

Whereas, Eustice Frederick was born the son of Russian immigrant parents on August 29, 1930, in “a four-room shack” in Delta Hollow near Switchback, McDowell County, West Virginia; and

Whereas, A graduate of Elkhorn High School in 1948 where his excellence in football earned him a scholarship from Virginia Polytechnical Institute (now “Virginia Tech”) where he played for four years, graduating with a degree in mining engineering in 1952; and

Whereas, Eustice Frederick served his country as a communications officer in the U.S. Air Force during the Korean War; and

Whereas, Eustice Frederick accepted a job with Consolidation Coal Company and rapidly rose through its ranks, retiring in 1992 as Senior Vice President of its Southern Appalachian Region after over forty years of service; and

Whereas, During his employment with Consolidation Coal Company, Eustice Frederick was an innovator and a champion of safety advances in coal mining, including the development of a coalbed methane venting process that reduced the danger of explosions in deep coal mines; and

Whereas, His leadership in the coal industry resulted in Eustice Frederick being awarded the Ralph E. Bailey Safety Trophy twice by Consolidation Coal Company, and being recognized by the West Virginia Coal Association with an induction into their Coal Hall of Fame; and

Whereas, Following his retirement, Governor Gaston Caperton appointed him to the West Virginia House of Delegates in 1993 to fill an unexpired term, and he was successfully reelected to that post in seven consecutive elections before he chose not to run following the conclusion of the regular 2008 Legislative Session due to health concerns; and

Whereas, His passion for the safety and livelihood of West Virginia’s coal miners continued throughout his political career; and

Whereas, In addition to his elective service, Eustice Frederick was active in many community organizations, including the Greater Bluefield Chamber of Commerce, which awarded him its highest honor, the Robert Francis Hamilton Award for superior community service; and

Whereas, Eustice Frederick was a lifelong member and devout supporter of Saint Mary’s Orthodox Church in Bluefield, and for his outstanding service was selected to be an Archon in the Order Of Saint Andrew; and

Whereas, Eustice Frederick, died at his residence on Thursday, November 6, 2008, at the age of 78; and

Whereas, Eustice Frederick was survived by one son, Eustace (“Stacy”) Frederick III of Bluefield, WV; one daughter, Carrie Frederick Frost and her husband Matthew of Charlottesville, VA; five grandchildren of whom he was particularly proud and his dear friend and companion, Shirley Ofsa of Bluefield, VA; and

Whereas, Naming a segment of this highway leading to the church that he was instrumental in building is an appropriate recognition of his many contributions to his country, state, and community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a two-mile portion of U.S. Route 460 between its intersection with Bland Rd., otherwise known as WV Route 598, and its intersection with U.S. Route 52 in Mercer County, the “Eustice Frederick Memorial Road”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the road as the “Delegate Eustice Frederick 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.

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

**H. C. R. 123** - “Requesting the Division of Highways name bridge number 31-119-13.78 (31A197), locally known as the South University Avenue Bridge, carrying U.S. Route 119 over Deckers Creek in Monongalia County, the ‘John W. Pyles Bridge’.”

Whereas, John W. Pyles was born in Flemington, Taylor County, West Virginia, in 1933, where his father was employed by the B&O Railroad as a trackman and the family later moved to Morgantown, West Virginia, where his father took a job working in a coal mine at Madsville; and

Whereas, John W. Pyles attended the public schools in Monongalia County and graduated from Morgantown High School in 1950, and attended West Virginia University, graduating with a bachelor’s degree in 1955 and a master’s degree in 1960; and

Whereas, John W. Pyles taught music in the public schools of Monongalia County, serving as a band director at Sabraton and Westover Junior High Schools, and he was a traveling music teacher serving several elementary schools in the county; and

Whereas, John W. Pyles was elected to the West Virginia House of Delegates in 1962 and 1964, serving from 1963 to 1966; and

Whereas, John W. Pyles was elected as County Assessor of Monongalia County in 1968, and served five terms from 1969 to 1988; and

Whereas, John W. Pyles was elected as County Commissioner for Monongalia County in 1990, and served three terms from 1991 to 2008; and

Whereas, It is fitting that his contributions to his community be recognized by the dedication of a notable structure in his honor; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 31-119-13.78 (31A197), locally known as the South University Avenue Bridge, carrying U.S. Route 119 over Deckers Creek in Monongalia County, the "John W. Pyles 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 "John W. Pyles 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.

Delegate Summers offered the following resolution, which was reported by the Clerk:

**H. C. R. 124** - "Extending the Committee of Conference relating to consideration of **Com. Sub. for H. B. 4275**, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission."

*Resolved by the Legislature of West Virginia:*

That pursuant to Rule No. 3 of the Joint Rules of the Senate and House of Delegates, the Committee of Conference is hereby extended for a period of three day for the express purpose of consideration of matters of disagreement between the two houses as to Com. Sub. for H. B. 4275.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. C. R. 124) to a committee was dispensed with, and it was taken up for immediate consideration.

The resolution was then read by the Clerk and adopted.

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

### **Motions**

Delegate Summers asked and obtained unanimous consent that, for the remainder of the session, members of Conference Committees be permitted to vote on any question or issue before the House which they have missed as a direct result of their duties on Conference Committees, provided that such members notify the Clerk of the House in writing as to how they wish to vote, before the daily Journal is published, and that any such vote will not change the outcome of any question.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for S. B. 586**, Reorganizing and re-designating Department of Military Affairs and Public Safety as Department of Homeland Security; 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. 383**), and there were—yeas 92, nays 2, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: J. Kelly and McGeehan.

Absent and Not Voting: Diserio, Estep-Burton, Linville, Walker, Westfall and Worrell.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 586) passed.

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

**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; relating to additional powers, duties, and services of Director of Division of Natural Resources; creating exception to requirement that Division of Natural Resources payments be deposited in bank within 24 hours; 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.”

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

**S. B. 727**, Relating to disbursement of funds for highway road repair; 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. 384**), and there were—yeas 75, nays 23, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bartlett, Butler, Cadle, Criss, Dean, Fast, Foster, Graves, Hanna, Higginbotham, Householder, Howell, J. Jeffries, J. Kelly, Kessinger, C. Martin, P. Martin, Maynard, Miley, Paynter, Steele, Summers and Toney.

Absent and Not Voting: Diserio and Linville.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 727) passed.

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

**S. B. 727** - "A Bill to amend and reenact §22-15-11 of the Code of West Virginia, 1931, as amended, relating to 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; increasing the horizontal drilling waste assessment fee; and updating grammatical style throughout the section."

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

**S. B. 734**, Clarifying powers and duties of DOH in acquiring property for state road purposes; 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. 385**), and there were—yeas 95, nays 5, absent and not voting none, with the nays being as follows:

Nays: Bibby, Paynter, Sponaugle, Steele and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 734) passed.

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

### **Second Reading**

**S. B. 202**, Allowing one member of PSD board to be county commissioner; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 225**, Empowering municipalities to enact Adopt-A-Street programs; on second reading, coming up in regular order, was reported by the Clerk.

Whereupon,

Delegate Summers obtained unanimous consent that the bill be postponed one day.

**Com. Sub. for S. B. 240**, Requiring hotels and restaurants secure manhole covers of certain grease traps; on second reading, coming up in regular order, was read a second time,

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

#### **"ARTICLE 6. HOTELS AND RESTAURANTS.**

##### **§16-6-22b. Hotels and restaurants to secure covers of grease traps.**

(a) This section applies to hotels and restaurants that use grease traps that are outdoors or are in areas that are accessible to members of the general public.

(b)(1) Grease traps with manhole covers shall be designed to withstand expected loads and prevent access by children.



(A) The manhole cover shall be secured by a bolt or locking mechanism and be constructed of round cast iron or similar construction with sufficient weight to prevent unauthorized access.

(B) The commissioner may specify either method of limiting access to the manhole, if the method conforms to paragraph (A) of this subdivision and prevents unauthorized access.

(2) A hotel or restaurant shall ensure that a grease trap manhole is closed and secured or locked, if applicable, at all times.

(c) The secretary shall propose emergency rules for promulgation in accordance with §29A-3-1 et seq. of this code for the implementation and administration of this section.

(d) All hotels and restaurants using grease traps shall comply with subsection (b) of this section no later than October 1, 2020.

### **§16-6-23. Offenses.**

Any person, firm, or corporation ~~who shall operate~~ operating a hotel or a restaurant in this state, or who shall let a building to be used for such purposes, without first having complied with the provisions of this article, ~~shall be is~~ guilty of a misdemeanor and, upon conviction thereof, shall be fined ~~five dollars~~ \$50 for each day ~~such the~~ failure to comply ~~shall continue~~ continues."

The bill was then ordered to third reading.

**Com. Sub. for S. B. 241**, Requiring State Board of Education develop method for student transportation costs as stand-alone consideration; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 281**, Removing residency requirement for persons applying for reappointment to municipal police dept; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 307**, Correcting code citation relating to certain tax liens; on second reading, coming up in regular order, was reported by the Clerk.

Whereupon,

Delegate Summers obtained unanimous consent that the bill be postponed one day.

**S. B. 509**, Relating to custodial allocation actions independent of divorce; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Foster, the bill was amended on page two, one hundred five, line 28, by inserting a new subsection, designated subsection (e), to read as follows:

"(e) This section, §48-9-105 of this code, shall apply only prospectively to custodial allocations and/or child custody determinations rendered in West Virginia courts after the effective date of this legislation. Any custodial allocation and/or child custody determination rendered by any West Virginia court prior to the effective date of this legislation shall be remain subject to the venue of the West Virginia court rendering such custodial allocation and/or child custody determination unless otherwise expressly agreed by both parties to such custodial allocation and/or child custody determination."

The bill was then ordered to third reading.

**S. B. 523**, Extending deadline for municipalities to offer Social Security coverage to certain municipal retirement system members; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Pensions and Retirement, was reported by the Clerk and adopted, amending the bill on page one, section twenty-eight, line eleven, by striking out subsection (b) in its entirety and inserting in lieu thereof the following:

“(b) On or before October 1, 2024, all participating employers shall jointly submit a plan to the State Auditor, pursuant to §5-7-5 of this code, as the designated state agency under the Social Security Act, to extend Social Security benefits to members of the retirement system as authorized by §5-7-5 and applicable federal laws. The State Auditor shall assist the participating employers in complying with the requirements for providing extension of Social Security benefits to members of the retirement system.”

The bill was then ordered to third reading.

**Com. Sub. for S. B. 529**, Establishing limitations on claims and benefits against state; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page three, section thirteen-a, line forty-four, immediately following the word “claim”, by striking semi-colon, and striking the remainder of that sentence, in its entirety.

The bill was then ordered to third reading.

**S. B. 552**, Requiring contracts of \$25,000 or more be competitively bid; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Government Organization, was reported by the Clerk on page three, section six, line sixty, by striking out subdivision (12) in its entirety and inserting in lieu thereof a new subdivision (12) to read as follows:

“(12) Appoint such employees, officers, managers, attorneys, independent contractors, and consultants as are necessary to carry out the provisions of this article and to fix their compensation and prescribe their duties: *Provided*, That, beginning on the effective date of the amendments to this section enacted during the 2020 Regular Session, all employees of the Water Development Authority are exempt from the classified civil service system: *Provided, however*, That employees of the Water Development Authority who are currently members of the classified civil service system shall retain their status as long as they remain in their current classification. Thereafter, if the employee leaves his or her current classification and remains an employee of the Water Development Authority, that employee, at that time, becomes transferred to the classified-exempt service. All expenses thereof are payable solely from the proceeds of water development revenue bonds or notes issued by the authority, from revenues and from funds appropriated for such purpose by the Legislature.”

Delegate Fleischauer arose to a point of order as to the germaneness of the amendment, which point of order was subsequently withdrawn.

The amendment recommended by the Committee on Government Organization was then adopted.

The bill was ordered to third reading.

**Com. Sub. for S. B. 576**, Relating to management of public records; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 583**, Creating program to further development of renewable energy resources; on second reading, coming up in regular order, was reported by the Clerk.

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

**S. B. 652**, Authorizing School Building Authority promulgate legislative rules; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 686**, Exempting contract and common carrier laws for certain vehicles; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 703**, Increasing earning limit for employees who accept separation incentive; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for S. B. 706**, Clarifying duties of law-enforcement training and certification subcommittee; on second reading, coming up in regular order, was reported by the Clerk.

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

**S. B. 712**, Correcting name of Forensic Analysis Laboratory; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**S. B. 781**, Relating to reports regarding collaborative agreements between community and technical colleges and federally registered apprenticeship programs; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Hornbuckle, Rohrbach and Diserio, the bill was amended on page one, section sixteen, line twelve, following the comma by deleting the word "and".

And,

On page one, section sixteen, line thirteen following the words "apprenticeship programs", by striking out the period and inserting "and if available information on the number of students employed, and the average hours they worked in a relevant field, during such apprenticeship programs."

The bill was then ordered to third reading.

**S. B. 816**, Updating North American Industry Classification System code references; on second reading, coming up in regular order, was reported by the Clerk.

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

### **First Reading**

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

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

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

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

And,

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

At 12:36 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 28, 2020.

---

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

## **SPECIAL CALENDAR**

**Friday, February 28, 2020**

**52<sup>nd</sup> Day**

**11:00 A. M.**

### **THIRD READING**

- S. B. 202 - Allowing one member of PSD board to be county commissioner (HOWELL) (REGULAR)
- Com. Sub. for S. B. 240 - Requiring hotels and restaurants secure manhole covers of certain grease traps (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. 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 (GRAVES) (REGULAR)
- Com. Sub. for S. B. 529 - Establishing limitations on claims and benefits against state (SHOTT) (JULY 1, 2020)
- S. B. 552 - Requiring contracts of \$25,000 or more be competitively bid (HOWELL) (REGULAR)
- Com. Sub. for S. B. 576 - Relating to management of public records (HOWELL) (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) (EFFECTIVE FROM PASSAGE)
- S. B. 712 - Correcting name of Forensic Analysis Laboratory (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- S. B. 781 - Relating to reports regarding collaborative agreements between community and technical colleges and federally registered apprenticeship programs (ELLINGTON) (REGULAR)

## SECOND READING

- Com. Sub. for S. B. 201 - Relating generally to criminal offenses of stalking and harassment (SHOTT) (REGULAR)
- Com. Sub. for S. B. 225 - Empowering municipalities to enact Adopt-A-Street programs (HOWELL) (REGULAR)
- S. B. 307 - Correcting code citation relating to certain tax liens (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. 610 - Removing resident manager requirement for Alcohol Beverage Control Administration (SHOTT) (JULY 1, 2020)
- Com. Sub. for S. B. 625 - Creating one-day annual license to permit charitable auction of sealed rare, antique, or vintage liquor bottles (SHOTT) (REGULAR)
- Com. Sub. for S. B. 706 - Clarifying duties of law-enforcement training and certification subcommittee (SHOTT) (REGULAR)
- S. B. 789 - Repealing obsolete sections of WV Code relating to Legislature (SHOTT) (REGULAR)
- S. B. 816 - Updating North American Industry Classification System code references (JULY 1, 2020)
- S. B. 849 - Relating to military service as factor in certain insurance coverage rates (EFFECTIVE FROM PASSAGE)

## FIRST READING

- Com. Sub. for S. B. 6 - Allowing DOH issue permits for certain tractors with certain trailers not exceeding specified maximum axle weights (SHOTT) (REGULAR)
- Com. Sub. for S. B. 96 - Prohibiting municipalities from limiting persons' rights to possess certain weapons (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- Com. Sub. for S. B. 232 - Removing outdated prohibitions against electronic or mechanical ticket dispensers and readers (SHOTT) (REGULAR)
- S. B. 562 - Expunging certain criminal convictions (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- Com. Sub. for S. B. 649 - Permitting county emergency phone system directors negotiate contracts for mobile phones (SHOTT) (REGULAR)
- S. B. 651 - Relating to definition of "mortgage loan originator" (SHOTT) (REGULAR)

## HOUSE CALENDAR

Friday, February 28, 2020

52<sup>nd</sup> Day

11:00 A. M.

### UNFINISHED BUSINESS

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

### THIRD READING

Com. Sub. for S. B. 502 - Relating to methamphetamine criminal penalty (SHOTT) (REGULAR)

Com. Sub. for S. B. 534 - Removing workers' compensation exclusion for temporary legislative employees (HOWELL) (REGULAR)

Com. Sub. for S. B. 554 - Relating to termination, expiration, or cancellation of oil or natural gas leases (ANDERSON) (REGULAR)

Com. Sub. for S. B. 571 - Expiring funds from State Excess Lottery Revenue Fund to various accounts (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

S. B. 725 - Supplemental appropriation to various Department of Education accounts (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

S. B. 778 - Supplemental appropriation expiring funds from State Excess Lottery Revenue Fund to DHHR (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

S. B. 779 - Supplemental appropriation expiring funds in State Excess Lottery Revenue to Department of Veterans' Assistance (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

S. B. 780 - Supplemental appropriation by decreasing and adding new appropriation out of Treasury to DMAPS (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

Com. Sub. for H. B. 2663 - Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code (HOWELL) (REGULAR)

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

Com. Sub. for H. B. 4746 - Establishing a registry of persons with a communication disability (HOWELL) (REGULAR)

Com. Sub. for H. B. 4905 - Ban-the-Box Act (SHOTT) (REGULAR)

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

### **SECOND READING**

- S. B. 170 - Alleviating double taxation on foreign income at state level (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- S. B. 572 - Expiring funds from General Revenue and Lottery Net Profits to various accounts (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. J. R. 102 - Providing the West Virginia Legislature rulemaking oversight of the board of education (SHOTT)
- Com. Sub. for H. B. 4059 - Increasing access to long acting reversible contraception (HILL) (REGULAR)
- H. B. 4455 - Permitting fees from the Central Abuse Registry to be used for costs relating to information technology support and infrastructure (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4613 - Allowing the Division of Highways use money in the Gas Field Highway Repair and Horizontal Drilling Waste Study Fund (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4690 - Relating to solid waste facilities (SHOTT) (REGULAR)

### **FIRST READING**

- Com. Sub. for H. B. 4485 - Reorganizing and redesignating the Department of Military Affairs and Public Safety as the Department of Homeland Security (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4651 - Clarifying the powers and duties of the Division of Highways in acquiring property for state road purposes (SHOTT) (REGULAR)
- H. B. 4884 - Relating to a charitable or public service organization must submit a certifying statement attesting to its status (HOWELL) (REGULAR)



# **WEST VIRGINIA HOUSE OF DELEGATES**

---

**FRIDAY, FEBRUARY 28, 2020**

---

**HOUSE CONVENES AT 11:00 A.M.**

---

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

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

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

**COMMITTEE ON EDUCATION  
9:00 A.M. – ROOM 432 M**

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

---

**MONDAY, MARCH 2, 2020**

---

**PUBLIC HEARING**

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

**COM. SUB. FOR S. B. 130, RELATING TO PROCEDURE FOR DRIVER'S LICENSE  
SUSPENSION AND REVOCATION FOR DUI.**





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