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February 29, 2020
FIFTY-THIRD DAY

Saturday, February 29, 2020

FIFTY-THIRD DAY

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

The House of Delegates met at 12:00 noon, and was called to order by the Honorable Roger Hanshaw, Speaker.

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

The Clerk proceeded to read the Journal of Friday, February 28, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that S. B. 610 and Com. Sub. for S. B. 625, on Second Reading, Special Calendar, had been transferred to the House Calendar; Com. Sub. for S. B. 529, Com. Sub. for S. B. 554, Com. Sub. for S. B. 576 and Com. Sub. for S. B. 686, on Third Reading, House Calendar, had been transferred to the Special Calendar; and Com. Sub. for S. B. 201 and Com. Sub. for S. B. 583, on Second Reading, House Calendar, had been transferred to the Special Calendar.

Conference Committee Report Availability

At 12:21 p.m., the Clerk announced availability of the report of the Committee of Conference on **Com. Sub. for H. B. 4275**, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 136, Prohibiting certain misleading lawsuit advertising practices,

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. 490, Relating to criminal offenses against agricultural facilities,

Com. Sub. for S. B. 670, Amending service of process on nonresident persons or corporate entities,

And,

Com. Sub. for S. B. 810, Implementing federal Affordable Clean Energy rule,

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. 732, Authorizing fee payment and expense reimbursement for attorneys who participate on court teams established by Supreme Court of Appeals,

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. 732) was referred to the Committee on Finance.

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. 275, Creating Intermediate Court of Appeals,

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

In accordance with the former direction of the Speaker, the bill (S. B. 275) was referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 578, Recalculating tax on generating, producing, or selling electricity from solar energy facilities,

And,

S. B. 600, Creating special revenue account designated Military Authority Fund,

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

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

Your Committee on Government Organization has had under consideration:

S. B. 322, Relating to prequalifications for state contract vendors,

And,

Com. Sub. for S. B. 738, Creating Flatwater Trail Commission,

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

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

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 722, Relating to special license plates for public and private nonprofit transit providers,

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

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

Your Committee on Government Organization has had under consideration:

Com. Sub. for S. B. 690, Permitting street-legal special purpose vehicles on highways,

And,

Com. Sub. for S. B. 802, Relating to public utilities generally,

And reports the same back, with amendment, with the recommendation that they each 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. 653, Increasing number of magistrates in certain counties,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 653) was referred to the Committee on Finance.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on February 28, 2020, he approved **Com. Sub. for H. B. 2497** and **Com. Sub. for H. B. 4048**.

Messages from the Senate

A message from the Senate, by

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

S. C. R. 32 - "Requesting the Division of Highways name bridge number 17-019/00-004.49(17A069), locally known as Good Hope Bridge, carrying US Route 19 over the West Fork River in Harrison County, the "U. S. Marine Corps PFC James R. 'Johnny' Corder Memorial Bridge".

Whereas, James Russell Corder was born July 24, 1947, in Clarksburg, West Virginia; and

Whereas, James Russell Corder grew up in a poor coal camp in Hepzibah, West Virginia, as the oldest of five siblings who described "Johnny" as their "mentor" and "protector" and a loyal brother who helped them with their schoolwork; and

Whereas, James Russell Corder moved to a 36-acre farm in Good Hope, West Virginia, where he helped his family install fencing around the property, raise livestock, and care for three large gardens; and

Whereas, James Russell Corder was known as an adventurer who caught live snakes, which he used to scare his mom, and became an expert marksman known for taking down two crows with one shot; and

Whereas, James Russell Corder enlisted in the U. S. Marine Corps in 1967 after he graduated from South Harrison High School, hoping to protect his brothers from the draft; and

Whereas, James Russell Corder served as a Private 1st Class rifleman and radio operator with the 3rd Marine Division, 3rd Battalion, 3rd Marines, I Company in Quang Tri Province, South Vietnam; and

Whereas, James Russell Corder was killed by enemy fire during a reconnaissance mission on May 23, 1968, when a mortar landed next to the fox hole in which he was operating the field radio; and

Whereas, Family members were overwhelmed with sorrow when they received word that "Johnny" had become a casualty in what would become the deadliest month of the Vietnam War and he continues to be missed by his family; and

Whereas, James Russell Corder was awarded the Purple Heart, Vietnam Gallantry Cross, Combat Action Ribbon, and Marine Corps Presidential Unit Citation; and

Whereas, It is fitting that an enduring memorial be established to commemorate PFC James R. "Johnny" Corder and his contributions to our state and country; therefore, be it,

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name number 17-019/00-004.49(17A069), locally known as Good Hope Bridge, carrying US Route 19 over the West Fork River in Harrison County, the "U. S. Marine Corps PFC James R. 'Johnny' Corder Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Marine Corps PFC James R. ‘Johnny’ Corder Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways and to forward five copies of this resolution to Mr. Corder’s family members and a close friend.

A message from the Senate, by

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

S. C. R. 33 – “Requesting the Division of Highways name bridge number 55-097/00-034.83 (55A102), locally known as Maben Bridge, carrying WV 97 over Slab Fork Creek in Wyoming County, the “U.S. Air Force MSGT Dvon Duncan Memorial Bridge”.

Whereas, Dvon Duncan was born on January 18, 1953, to Paul and Dorothy Duncan; and

Whereas, Dvon Duncan was a graduate of Glen Rogers High School, and also received an Associate in Arts Degree, in General Studies from Hagerstown Junior College, an Associate in Applied Science Degree, in Communications Operations Technology from Community College of the Air Force, a Bachelor of Arts Degree in History from Auburn University and a Masters of Arts Degree in Liberal Studies and Strategic Leadership from the University of Memphis; and

Whereas, Dvon Duncan joined the U.S. Air Force on March 7, 1974, and stayed until her retirement in February 1991; and

Whereas, MSGT Dvon Duncan was awarded the Meritorious Service Medal with one Oak Leaf Cluster, the Joint Service Commendation Medal, the Air Force Commendation Medal, the Air Force Achievement Medal (GALLANT EAGLE 82), the Air Force Outstanding Unit Award Ribbon with one Oak Leaf Cluster, the Combat Readiness Medal, the Good Conduct Medal with one Oak Leaf Cluster, the Air Force Overseas Short Tour Ribbon, the Air Force Overseas Long Tour Ribbon with one Oak Leaf Cluster, and the Small Arms Expert Marksmanship Ribbon; and

Whereas, MSGT Dvon Duncan authored two books of poetry— “Signs in the Earth” and “Raven’s Call” and a short story entitled “Green Man of Milam Fork”, and moved back to West Virginia in 2006 where she operated Duncan Business Services which specialized in strategic business planning; and

Whereas, MSGT Dvon Duncan served on the Wyoming County Convention and Visitors Bureau where she coauthored the Guyandotte Scenic Drive Corridor Management Plan; and she also served on the Guyandotte River Water Trail Alliance, the Southern Conservation District, the Mountain Resource Conservation and Development Council and the Friends of Milam Creek; and

Whereas, MSGT Dvon Duncan died on July 7, 2019, and will be missed by many in Wyoming County; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Air Force MSGT Dvon Duncan and her contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 55-097/00-34.83 (55A102), locally known as Maben Bridge, carrying WV 97 over Slab Fork in Wyoming County, the "U.S. Air Force MSGT Dvon Duncan Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to be made and placed signs identifying the bridge as the "U.S. Air Force MSGT Dvon Duncan Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

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

S. C. R. 34 – "Requesting the Division of Highways name bridge number 34-001/00-000.10 (34A144), locally known as Strange Creek Bridge, carrying County Route 1 over Strange Creek in Nicholas County, the 'U.S. Army CPL Dane Hampton Hamric Memorial Bridge'."

Whereas, Dane Hampton Hamric, born on December 14, 1920, in Sutton, West Virginia, was one of 10 children born to Allen Corley Hamric and Mable Goldie Craft Hamric of Braxton County; and

Whereas, CPL Dane Hampton Hamric served in the U.S. Army 60th Coast Artillery Regiment for seven years before his heroic death in a Japanese prisoner of war (POW) camp in the Philippines on December 18, 1944; and

Whereas, CPL Dane Hampton Hamric was stationed in Corregidor with the 1st Separate Marine Battalion when WWII broke out in December 1941. He fought there with what became the 3rd Battalion, 4th Marine Regiment which consisted of combined units from the U.S. Army, U.S. Navy, and locally recruited Filipino soldiers; and

Whereas, Units at Corregidor were forced to surrender to the Japanese on May 6, 1942, and were held in prison on Corregidor, until they were moved first to Manila and then to Puerto Princesa on the Island of Palawan. Of the thousands of allied military personnel taken prisoner by the Japanese, approximately 346 American POWs remained from August 1, 1942, until December 14, 1944, in the Philippines where they were shipped to Palawan to build an airfield for the Japanese; and

Whereas, The Palawan compound was known as Camp-10A, and the American POWs held captive there received brutal treatment from Japanese guards. The men starved, suffered from diseases like malaria, scurvy, and pellagra, and endured hard labor. Medical care was nonexistent and medical supplies from the American Red Cross, intended for American POWs, were seized by the Japanese for their own use. In September 1944, 159 of the American POWs were returned to Manila, leaving 150 men behind to complete the airfield; and

Whereas, On December 14, 1944, Japanese aircraft reported the presence of an American convoy which was mistakenly believed to be headed for Palawan, and POWs were sent into trenched shelters they had built for protection during allied air raids. Guards doused the shelters with gasoline and used torches to set them on fire with the men inside. Most of the American POWs who managed to escape the burning shelters were shot, bayoneted, or beaten to death as they hid among rocks on the beach or attempted to swim across Puerto Princesa's bay. Four American officers, who were also held captive at the camp, had their dugout set on fire during the massacre; and

Whereas, Of the known 150 American POWs present at the Palawan camp, 139 were murdered on December 14, 1944, and 11 survived. CPL Dane Hampton Hamric was able to escape the prison yard but was hit in the arm by rifle fire. He hid in a cave on the beach for four days before succumbing to his injuries, and was buried in a makeshift grave by a surviving POW. His body was never recovered, and on December 18, 1944, he was recorded by the U.S. Army as Reported Dead While Captured, Prisoner of War; and

Whereas, CPL Dane Hampton Hamric is memorialized in the Tablets of the Missing at the Manila American Cemetery and Memorial in the Philippines. CPL Dane Hampton Hamric was awarded the Prisoner of War Medal and the Purple Heart, Service Number 15017127; and

Whereas, It is fitting that an enduring memorial be established to commemorate CPL Dane Hampton Hamric for his service and sacrifice for his state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 34-001/00-000.10 (34A144), locally known as Strange Creek Bridge, carrying County Route 1 over Strange Creek in Nicholas County, the "U.S. Army CPL Dane Hampton Hamric Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army CPL Dane Hampton Hamric Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways and to David R. Hamric, P.O. Box 83, Dille, WV 26617.

A message from the Senate, by

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

S. C. R. 35 – "Requesting the Division of Highways name the entire portion of West Virginia Route 10 situated within the town limits of Oceana, Wyoming County, the 'Veterans Memorial Drive'."

Whereas, The town of Oceana has provided soldiers for the various branches of the nation's military; and

Whereas, Oceana veterans have served their country and their community with distinction; and

Whereas, Many veterans from Oceana gave their lives for their country or have suffered the scars of service many years after returning from military duty; and

Whereas, Many veterans returning to Oceana following military service have volunteered their energy and talents to build and strengthen the local community in service to others; and

Whereas, It is fitting that an enduring memorial be established to commemorate the many military veterans of Oceana and their contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the entire portion of West Virginia Route 10, situated within the town limits of Oceana, Wyoming County, the "Veterans Memorial Drive"; and, be it

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

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

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

S. C. R. 36 – "Requesting the Division of Highways name bridge number 13-060/00-034.93 (13A114), locally known as Caldwell Bridge, carrying U.S. 60 over Greenbrier River in Greenbrier County, the 'Shafer Brothers U.S. Military Veterans Memorial Bridge'."

Whereas, The six Shafer brothers were born and raised in Caldwell, Greenbrier County. They all served in the United States military. Charles "Ovid" Shafer, the U.S. Army, World War II; "Harold" Harding Shafer, the U.S. Army, World War II; William "Bill" Shafer, the U.S. Army; World War II; Robert Lewis "Bob" Shafer, the U.S. Navy, World War II; Elmer "Ray" Shafer, the U.S. Navy, World War II; and Joseph Arthur "Joe" Shafer, the U.S. Marine Corps, Korean War. All six returned home safely after serving their great country; and

Whereas, These six men and their additional three brothers and two sisters lived in this community throughout their lives and, they and their many descendants, have travelled across the bridge that is the subject of this resolution; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Shafer brothers and their contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 13-060/00-034.93 (13A114), locally known as Caldwell Bridge, carrying U.S. 60 over Greenbrier River in Greenbrier County, the "Shafer Brothers U.S. Military Veterans Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Shafer Brothers U.S. Military Veterans Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

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

S. C. R. 39- “Requesting the Division of Highways name bridge number 13-60-1.43 (13A103), locally known as Little Sewell Creek Bridge, carrying US 60 over Little Sewell Creek in Greenbrier County, the ‘U.S. Navy PO1 Jeffrey S. Taylor Memorial Bridge’.”

Whereas, U.S. Navy Petty Officer 1st Class E-6 Jeffrey S. Taylor was born May 18, 1975, in Midway, West Virginia. He enlisted in the U.S. Navy on July 23, 1993, and attended basic training at NTC Great Lakes, Illinois, from June to August 1994. Petty Officer Taylor completed Hospital Corpsman training in December 1994, followed by service at the Naval Medical Center in Portsmouth, Virginia, from January 1995 to December 1996. Petty Officer Taylor attended the Field Medical Service School at Camp Lejeune, North Carolina, from January to February 1997, and then served as Corpsman with the Marine Corps’ 2d Marine Division at Camp Lejeune from February 1997 to July 1999; and

Whereas, Petty Officer Taylor entered Basic Underwater Demolition/SEAL training at the end of July 1999, and after completing BUD/S training, Jump School, and SEAL Qualification training, he served with SEAL Team Eight at the Naval Amphibious Base (NAB) Little Creek, Virginia, from September 2000 to October 2001. His next assignment was aboard the aircraft carrier USS Theodore Roosevelt (CVN-71) from October 2001 to June 2002, followed by service at the John F. Kennedy Special Warfare Center at Fort Bragg, North Carolina, from July 2002 to February 2003; and

Whereas, While serving aboard the USS Theodore Roosevelt, Petty Officer Taylor deployed to Afghanistan with SEAL Team Three in November 2001. His final assignment was with SEAL Team Ten at NAB Little Creek from February 2003 until he was killed in action on June 28, 2005 while deployed to Afghanistan when the MH-47 Chinook helicopter he was aboard was shot down by an enemy rocket-propelled grenade during Operation Red Wings. Petty Officer Taylor was buried in Arlington National Cemetery; and

Whereas, Petty Officer Taylor’s Bronze Star Medal with Valor Citation reads: “For heroic achievement in connection with combat operations against the enemy while serving as Leading Platoon Petty Officer, SEAL Team Ten, while deployed to Afghanistan in support of Operation Enduring Freedom on 28 June 2005. As part of a Quick Reaction Force, Petty Officer Taylor was sent to reinforce a Navy SEAL Special Reconnaissance element engaged in a fierce firefight against a numerically superior Anti-Coalition Militia near Asadabad, Konor Province, Afghanistan. The Special Reconnaissance element was under siege from enemy fire in extremely rugged and unforgiving terrain. Demonstrating exceptional resolve and fully comprehending the ramifications of the mission, Petty Officer Taylor’s element launched aboard a Helicopter for direct insertion onto an active battlefield, ready to engage and destroy the enemy in order to protect the lives of their fellow SEALs. While airborne Petty Officer Taylor continued working with member of his team to develop the plan of attack to support both a Quick Reaction Force and an urgent execution of the intended deliberate assault. As the helicopter hovered in preparation for a daring fast-rope insertion of the SEALs, the aircraft was struck by an enemy rocket-propelled grenade fired by Anti-Coalition Militia. The resulting explosion and impact caused the tragic and untimely loss of life of all onboard. Petty Officer Taylor’s bravery and heroism in the face of severe danger while fighting the Global War on Terrorism was extraordinary. By his courageous actions, zealous initiative and loyal dedication to duty, Petty Officer Taylor reflected great credit upon himself and upheld the highest traditions of the United States Navel Service”; and

Whereas, In 2007 the book *Lone Survivor: The Eyewitness Account of Operation Redwing and the Lost Heroes of SEAL Team 10*, written by Marcus Luttrell with Patrick Robinson, was published by Little, Brown and Company. That book was the basis for the motion picture *Lone Survivor*, released in 2013 and directed by Peter Berg. Both the book and the motion picture told the story of Petty Officer Taylor’s last mission; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Navy Petty Officer 1st Class E-6 Jeffrey S. Taylor's contributions to our state and country, and for having made the ultimate sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 13-60-1.43 (13A103), locally known as Little Sewell Creek Bridge, carrying US 60 over Little Sewell Creek in Greenbrier County, the "U.S. Navy PO1 Jeffrey S. Taylor Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Navy PO1 Jeffrey S. Taylor Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

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

S. C. R. 43 – "Requesting the Division of Highways name bridge number 16-048/00-008.59 (16A143), locally known as US 220 Overpass Bridge, carrying US 48 over US 220 in Hardy County, the 'U.S. Army 1LT Fred Omar Pratt Memorial Bridge'."

Whereas, Fred Omar Pratt was born on August 17, 1941, the son of Edwin M. Pratt, Sr., and Vern Hose Pratt of Moorefield of Hardy County; and

Whereas, On October 13, 1958, Fred Omar Pratt enlisted in the U.S. Army and served tours of duty in Japan, Korea, and Vietnam, and was a distinguished graduate of the Airborne School and served as a Ranger in the 101st Airborne Division in Vietnam during 1962. That same year, 1LT Fred Omar Pratt volunteered for Special Forces and returned to the United States for further training. After winning the Green Beret, he was appointed to attend Officers' Candidate School in Fort Benning, Georgia. There, he was elected to the honored position of Council of President of the Battalion and was named distinguished graduate of his class; and

Whereas, First Lieutenant Fred Omar Pratt attended the U.S. Army's Rotary Wing Flight School and returned to Vietnam in June 1968. He served as a C Model Gun Ship Pilot in the 155th Assault Helicopter Company. On August 23, 1968, 1LT Fred Omar Pratt distinguished himself by exceptionally valorous actions while serving as pilot of a UH-1 Huey helicopter gunship supporting friendly Special Forces and MACV compounds in the vicinity of Duc Lop, South Vietnam, that were under attack by an enemy regiment. During the battle, 1LT Fred Omar Pratt observed a tree line in which large enemy forces had concentrated and began to attack the enemy force; and

Whereas, In the course of combat on August 23, 1968, 1LT Fred Omar Pratt's aircraft sustained numerous hits from anti-aircraft fire and was downed. Under heavy mortar and automatic weapons fire and being injured in the arm and back himself, 1LT Fred Omar Pratt tended to his seriously injured crew chief and exposed himself to enemy fire to summon aid for his crew. Upon reaching a secure area, 1LT Fred Omar Pratt continued to give aid to his injured crew chief while refusing treatment for himself; and

Whereas, On August 26, 1968, 1LT Fred Omar Pratt insisted on returning to battle in light of dire circumstances and aggressive actions by NVA forces whereby the enemy had captured half the

camp. Upon arrival in the area of aggression, 1LT Fred Omar Pratt took actions against a large enemy force drawing heavy fire. During this engagement, he was fatally wounded. His co-pilot returned the heavily damaged gunship to the 155th AHC at Ban Me Thuot; and

Whereas, For his gallant and courageous efforts, 1LT Fred Omar Pratt was awarded the Silver Star for gallantry in action (Posthumous), the Distinguished Flying Cross for heroism (Posthumous), the Air Medal with Seven Oak Leaf Clusters, the Purple Heart (twice), the National Defense Service medal, the Vietnam Service Medal, and the Republic of Vietnam Campaign Medal, two of the highest awards for bravery awarded by the Vietnamese government; and

Whereas, In June of 1974, the U.S. Army dedicated the Flight Simulator Building, Building 4901, at the U.S. Army Aviation School at Fort Rucker, Alabama as "Pratt Hall" in his honor. This building houses the most sophisticated flight simulator systems used to train Army Aviators; and

Whereas, First Lieutenant Fred Omar Pratt left behind a loving wife, three young sons, as well as his beloved brothers and sisters and many other family members and friends. Those who served with him were proud to do so, and one comrade stated that: "we wish for him a peaceful eternal rest and those who remember and mourn his sacrifice are mindful of his duty and service in fighting for and protecting the freedoms that we enjoy today"; and

Whereas, Many in the Moorefield, West Virginia community today still remember the young man who went off to serve his country and did not return; and

Whereas, It is fitting that an enduring memorial be established to commemorate 1LT Fred Omar Pratt and his contributions and sacrifice to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 16-048/00-008.59 (16A143), locally known as US 220 Overpass Bridge, carrying US 48 over US 220 in Hardy County, the "U.S. Army 1LT Fred Omar Pratt Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested have made and be placed signs identifying the bridge as the "U.S. Army 1LT Fred Omar Pratt Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Resolutions Introduced

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

H. C. R. 127 - "Requesting the Division of Highways name bridge number 50-152 / 00-34.00, locally known as Doctor Doctor Bridge, carrying WV Route 152 over Twelvepole Creek in Wayne County, the 'U. S. Army PFC Carl. J. Osburn Bridge'."

Whereas, Carl J. Osborn was drafted into the United States Army and reported for examination on July 23, 1943, and later was assigned for training at Fort Thomas and Fort McClellan. Eventually, Carl Osburn was assigned to 30th Infantry Regiment, 3rd Battalion, 3rd Infantry Division, and dispatched to Europe aboard a Liberty Ship; and

Whereas, After a total journey of 21 days, Carl Osburn landed at Anzio, Italy, where he soon encountered two other soldiers who also came from Wayne County, West Virginia; and

Whereas, Carl Osburn was wounded in his hip in May 1944, but later returned to active service. After training for an amphibious assault, his unit made an invasion of southern France and eventually made their way to Alsace-Lorraine; and

Whereas, On January 23, 1945, the battalion commander ordered the men across the Ill River on a wooden bridge. As American vehicles followed along behind, the bridge collapsed, trapping Carl Osburn and the others on the far side of the river. He and the others walked along the road until they spotted a German tank coming their direction. They dove into a ditch alongside the road and attempted to hide, but it was no use. The tank stopped near them, and a German soldier approached them, demanding they put up their hands. With no escape route, Carl Osburn and the others did as they were told. In total, between 75 and 100 Americans were captured. The captives were marched across the river to a town near the German border called Jepsheim. There they were loaded into cattle cars and shipped to Ludwigsburg, Germany and placed in a POW camp. Osburn later reported that, while stationed in the camp, the prisoners were not beaten; however, the food situation was bad. The men were fed barley soup twice a day; and

Whereas, After the area was bombed several months later, the Americans were assembled into two columns and force-marched across southern Germany from April 1 until April 26. While on the march on April 12, the German soldiers notified the men that President Roosevelt had died. On the night of April 26, they were finally allowed to rest in an empty dairy barn for one night. On the morning of April 27, 1945, the POWs heard American vehicles coming up the road near the barn and were thrilled to see jeeps when they came in sight. Carl Osburn and the other prisoners were liberated. He was put on a C-47 and taken to a hospital in Le Havre, France where he was placed on a strict diet due to his emaciated condition. He remained in the hospital until June 9, 1945, before being sent back to the United States on a 72-day furlough. Carl Osburn arrived by train at the Huntington Depot where he was greeted by several family members and was able to spend his furlough at home with family in Booton, West Virginia; and

Whereas, Following his furlough, Carl Osburn finished out his service first in Miami Beach and then in San Francisco. After completing this service, Carl Osburn traveled back across the country, mustered out of active duty, and returned home at last. Since that time, Carl J. Osburn has spent his life in Wayne County, West Virginia and continues to serve his community and the membership of his church; and

Whereas, It is fitting that an enduring memorial be established to commemorate former Prisoner of War, U.S. Army PFC Carl J. Osburn, and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 50-152 / 00-34.00, locally known as Doctor Doctor Bridge, carrying WV Route 152 over Twelvepole Creek in Wayne County, the "U. S. Army PFC Carl J. Osburn Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army PFC Carl J. Osburn 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.

Special Calendar**Unfinished Business**

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

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,

Com. Sub. for H. C. R. 10, Robert 'Glen' Schoonover Memorial Bridge,

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

Com. Sub. for H. C. R. 15, Rose Agnes Rolls Cousins Bridge,

Com. Sub. for H. C. R. 23, U. S. Army Spec. 4, Roger Dale Griffith 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,

Com. Sub. for H. C. R. 30, U. S. Army Corporal C. O. 'Skip' Johnson Memorial Bridge,

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

Com. Sub. for H. C. R. 41, U. S. PFC Dennis Warren Baxter, USMC, Memorial Bridge,

Com. Sub. for H. C. R. 42, PFC David Henry Shifflet Memorial 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 Corps CPT Nancy Margret Kiess Memorial Bridge,

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

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

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

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

Com. Sub. for H. C. R. 90, Wood Brothers Memorial Bridge,

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

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

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

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

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

And,

H. C. R. 122, Eustice Frederick Memorial Road.

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

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; on unfinished business, was reported by the Clerk and adopted.

Third Reading

Com. Sub. for S. B. 225, Empowering municipalities to enact Adopt-A-Street programs; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 420**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Angelucci, S. Brown, Evans, Kessinger, Kump, Steele and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 225) passed.

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

S. B. 307, Correcting code citation relating to certain tax liens; 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. 421**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Angelucci, S. Brown, Evans, Kessinger, Kump, Steele and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 307) passed.

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

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 422**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Angelucci, S. Brown, Evans, Kessinger, Kump, Steele and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 529) passed.

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

Com. Sub. for S. B. 529 - “A Bill to amend and reenact §14-2-13a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §14-2A-14a, all relating to establishing limitations on claims and benefits; establishing a two-year time limit for a claimant to file a claim for unjust arrest, conviction, or imprisonment; and establishing a 10-year limitation on eligibility to receive benefits under certain conditions.”

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

On this question, the yeas and nays were taken (**Roll No. 423**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Angelucci, S. Brown, Evans, Kessinger, Kump, Steele and Storch.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 529) takes effect July 1, 2020.

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

Com. Sub. for S. B. 554, Relating to termination, expiration, or cancellation of oil or natural gas leases; 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. 424**), and there were—yeas 85, nays 8, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: Canestraro, Diserio, Doyle, Hicks, Lovejoy, Rowe, C. Thompson and R. Thompson.

Absent and Not Voting: Angelucci, S. Brown, Evans, Kessinger, Kump, Steele and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 554) passed.

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

S. B. 572, Expiring funds from General Revenue and Lottery Net Profits to various accounts; 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. 425**), and there were—yeas 82, nays 11, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, Doyle, Fleischauer, Hansen, Lavender-Bowe, McGeehan, Miley, Porterfield, Robinson and Walker.

Absent and Not Voting: Angelucci, S. Brown, Evans, Kessinger, Kump, Steele and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 572) passed.

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

On this question, the yeas and nays were taken (**Roll No. 426**), and there were—yeas 55, nays 38, absent and not voting 7, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Angelucci, S. Brown, Evans, Kessinger, Kump, Steele and Storch.

So, two thirds of the members elected to the House of Delegates not having voted in the affirmative, the Speaker declared the motion rejected.

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

Com. Sub. for S. B. 576, Relating to management of public records; 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. 427**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Angelucci, S. Brown, Evans, Kessinger, Kump, Steele and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 576) passed.

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

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

Delegate Pushkin requested to be excused from voting on Com. Sub. for S. B. 686 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 428**), and there were—yeas 79, nays 14, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: Anderson, Bates, Byrd, Canestraro, Capito, Criss, Doyle, Hicks, J. Kelly, Lovejoy, Pushkin, Robinson, Rowe and Williams.

Absent and Not Voting: Angelucci, S. Brown, Evans, Kessinger, Kump, Steele and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 686) passed.

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

Com. Sub. for S. B. 706, Clarifying duties of law-enforcement training and certification subcommittee; 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. 429**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Angelucci, S. Brown, Evans, Kessinger, Kump, Steele and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 706) passed.

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

S. B. 789, Repealing obsolete sections of WV Code relating to Legislature; 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. 430**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Angelucci, S. Brown, Evans, Kessinger, Kump, Steele and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 789) passed.

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

S. B. 816, Updating North American Industry Classification System code references; 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. 431**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Angelucci, S. Brown, Evans, Kessinger, Kump, Steele and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 816) passed.

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

On this question, the yeas and nays were taken (**Roll No. 432**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Angelucci, S. Brown, Evans, Kessinger, Kump, Steele and Storch.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 816) takes effect July 1, 2020.

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

S. B. 849, Relating to military service as factor in certain insurance coverage rates; 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. 433**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Angelucci, S. Brown, Evans, Kessinger, Kump, Steele and Storch.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 849) passed.

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

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; prohibiting an insurance company from increasing premiums while reinstating an insurance contract that was previously cancelled or suspended due to the military service of the insured; prohibiting an insurer from charging an increased premium for a new insurance contract when the applicant has had a policy from another insurer terminated as a result of military service; defining service with the National Guard; and requiring insurers to deem persons who have had an insurance policy suspended or terminated due to military service as having maintained continuous coverage.”

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

On this question, the yeas and nays were taken (**Roll No. 434**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

Absent and Not Voting: Angelucci, S. Brown, Evans, Kessinger, Kump, Steele, Storch and Wilson.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 849) takes effect from its passage.

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

Second Reading

Com. Sub. for S. B. 6, Allowing DOH issue permits for certain tractors with certain trailers not exceeding specified maximum axle weights; on second reading, coming up in regular order, was read a second time.

Delegate Cadle moved to amend the bill on page three, section eleven, line sixty-nine, by striking out the period, and inserting the following proviso “: *Provided further*, That the Department of Transportation, Division of Motor Vehicles shall create and maintain a new permit, identifiable by a distinct additional widow decal, which permit shall be required for all vehicles carrying a maximum gross vehicular weight of 90,000 pounds or greater; the cost to the applicant to obtain and renew annually such permit shall be the same as those permits issued by the West Virginia Public Service Commission for vehicles specially permitted pursuant to §17C-17A-4 of this code, and shall be required, without exception, for each individual vehicle carrying a maximum gross vehicular weight of 90,000 pounds or greater as set forth in this §17C-17-11 of this code.”

Delegate Summers requested to be excused from voting on Com. Sub. for S. B. 6 under the provisions of House Rule 49.

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

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

The yeas and nays having been ordered, they were taken (**Roll No. 435**), and there were—yeas 19, nays 75, absent and not voting 6, with the yeas and absent and not voting being as follows:

Yeas: Bibby, Butler, Cadle, Canestraro, Diserio, Hornbuckle, Little, Lovejoy, Miley, Paynter, Pushkin, Pyles, Staggers, Swartzmiller, Toney, Walker, Williams, Wilson and Zukoff.

Absent and Not Voting: Angelucci, Evans, Kessinger, Kump, Steele and Storch.

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

The bill was then ordered to third reading,

Com. Sub. for S. B. 96, Prohibiting municipalities from limiting persons' rights to possess certain weapons; 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 on page one, after the enacting clause by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES, AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES, AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.

§8-12-5a. Limitations upon municipalities’ power to restrict the purchase, possession, transfer, ownership, carrying, transport, sale, and storage of certain weapons and ammunition.

(a) ~~Except as provided by the provisions of this section and the provisions of §8-12-5 of this code, neither~~ Neither a municipality nor the governing body of any municipality may, by ordinance or otherwise, limit the right of any person to purchase, possess, transfer, own, carry, transport, sell, or store any ~~revolver, pistol, rifle or shotgun~~ deadly weapon, firearm, or pepper spray, or any ammunition or ammunition components to be used therewith nor to so regulate the keeping of gunpowder so as to directly or indirectly prohibit the ownership of the ammunition in any manner inconsistent with or in conflict with state law.

(b) For the purposes of this section:

(1) ‘Deadly weapon’ has the meaning provided in §61-7-2 of this code.

(2) ‘Firearm’ has the meaning provided in §61-7-2 of this code.

(4) ~~(3)~~ ‘Municipally owned or operated building’ means any building that is used for the business of the municipality, such as a courthouse, city hall, convention center, administrative building, or other similar municipal building used for a municipal purpose permitted by state law: *Provided*, That ‘municipally owned or operated building’ does not include a building owned by a municipality that is leased to a private entity where the municipality primarily serves as a property owner receiving rental payments.

~~(2)~~ (4) ‘Municipally owned recreation facility’ means any municipal swimming pool, recreation center, sports facility, facility housing an after-school program, or other similar facility where children are regularly present.

(5) ‘Pepper spray’ means a temporarily disabling aerosol that is composed partly of capsicum oleoresin and causes irritation, blinding of the eyes, and inflammation of the nose, throat, and skin that is intended for self-defense use.

(c)(1) A municipality may enact and enforce an ordinance or ordinances that prohibit or regulate the carrying or possessing of a ~~firearm~~ deadly weapon, firearm, or pepper spray in municipally owned or operated buildings.

(2) A municipality may enact and enforce an ordinance or ordinances that prohibit a person from carrying or possessing a ~~firearm~~ deadly weapon, firearm, or pepper spray openly or that is not lawfully concealed in a municipally owned recreation facility: *Provided*, That a municipality may not prohibit a person with a valid concealed handgun ~~permit~~ license from carrying an otherwise lawfully possessed firearm into a municipally owned recreation facility and securely storing the firearm out of view and access to others during their time at the municipally owned recreation facility.

(3) A person may keep an otherwise lawfully possessed ~~firearm~~ deadly weapon, firearm, or pepper spray in a motor vehicle in municipal public parking facilities if the vehicle is locked and the ~~firearm~~ deadly weapon, firearm, or pepper spray is out of view.

(4) A municipality may not prohibit or regulate the carrying or possessing of a ~~firearm~~ deadly weapon, firearm, or pepper spray on municipally owned or operated property other than municipally owned or operated buildings and municipally owned recreation facilities pursuant to subdivisions (1) and (2) of this section: *Provided*, That a municipality may prohibit persons who do not have a valid concealed handgun license from carrying or possessing a firearm on municipally owned or operated property.

(d) It shall be an absolute defense to an action for an alleged violation of an ordinance authorized by this section prohibiting or regulating the possession of a ~~firearm~~ deadly weapon, firearm, or pepper spray that the person: (1) Upon being requested to do so, left the premises with the ~~firearm~~ deadly weapon, firearm, or pepper spray or temporarily relinquished the ~~firearm~~ deadly weapon, firearm, or pepper spray in response to being informed that his or her possession of the ~~firearm~~ deadly weapon, firearm, or pepper spray was contrary to municipal ordinance; and (2) but for the municipal ordinance the person was lawfully in possession of the ~~firearm~~ deadly weapon, firearm, or pepper spray.

(e) Any municipality that enacts an ordinance regulating or prohibiting the carrying or possessing of a ~~firearm~~ deadly weapon, firearm, or pepper spray pursuant to subsection (c) of this section shall prominently post a clear statement at each entrance to all applicable municipally owned or operated buildings or municipally owned recreation facilities setting forth the terms of the regulation or prohibition.

(f) Redress for an alleged violation of this section may be sought through the provisions of §53-1-1 *et seq.* of this code, which may include the awarding of reasonable attorney's fees and costs, if the petitioner prevails.

(g) ~~Upon the effective date of this section, §61-7-14 of this code is inapplicable to municipalities. For the purposes of §61-7-14 of this code, municipalities may not be considered a person charged with the care, custody, and control of real property.~~

(h) This section does not:

~~(1) Impair the authority of any municipality, or the governing body thereof, to enact any ordinance or resolution respecting the power to arrest, convict and punish any individual under the provisions of §8-12-5(16) of this code or from enforcing any such ordinance or resolution;~~

~~(2) (1) Authorize municipalities to restrict the carrying or possessing of firearms deadly weapons, firearm, or pepper spray, which are otherwise lawfully possessed, on public streets and sidewalks of the municipality: *Provided*, That whenever pedestrian or vehicular traffic is prohibited in an area of a municipality for the purpose of a temporary event of limited duration, not to exceed fourteen days, which is authorized by a municipality, a municipality may prohibit persons who do not have a valid concealed handgun license from possessing a firearm in the area where the event is held or~~

~~(3) (2) Limit the authority of a municipality to restrict the commercial use of real estate in designated areas through planning or zoning ordinances."~~

Delegate D. Jeffries moved to amend the Judiciary Committee amendment on page four, section five-a, line sixty-seven, following the word "municipality" and the semicolon, by striking out the following language:

~~"*Provided*, That whenever pedestrian or vehicular traffic is prohibited in an area of a municipality for the purpose of a temporary event of limited duration, not to exceed fourteen days, which is authorized by a municipality, a municipality may prohibit persons who do not have a valid concealed handgun license from possessing a firearm in the area where the event is held"~~

Delegate Capito arose to an inquiry of the Chair regarding the amendment to the amendment.

The Speaker ruled that the amendment to the amendment would have the effect of returning the amendment to the content of the Senate bill and was not in order.

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

The yeas and nays having been ordered, they were taken (**Roll No. 436**), and there were—yeas 27, nays 67, absent and not voting 6, with the yeas and absent and not voting being as follows:

Yeas: Azinger, Bates, Byrd, Capito, Caputo, Cooper, Cowles, Doyle, Estep-Burton, Fleischauer, Hansen, Hornbuckle, D. Kelly, Longstreth, Miley, Nelson, Phillips, Pushkin, Pyles, Robinson, Rowe, Shott, Skaff, Walker, Westfall, Williams.

Absent and Not Voting: Angelucci, Evans, Kessinger, Kump, Steele and Storch.

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

The bill was then ordered to third reading,

Com. Sub. for S. B. 201, Relating generally to criminal offenses of stalking and harassment; on second reading, coming up in regular order, was read a second time.

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

“ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-9a. Harassment; penalties; definitions.

~~(a) Any person who repeatedly follows another knowing or having reason to know that the conduct causes the person followed to reasonably engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or suffer significant emotional distress, is guilty of a misdemeanor and, upon conviction thereof, shall be incarcerated in the county or regional jail for not more than six months or fined not more than \$1,000, or both.~~

(a) Any person who engages in a course of conduct directed at another person with the intent to cause the other person to fear for his or her personal safety, the safety of others, or suffer substantial emotional distress, or causes a third person to so act, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, confined in jail for not more than six months, or both fined and confined.

~~(b) Any person who repeatedly harasses or repeatedly makes credible threats against another is guilty of a misdemeanor and, upon conviction thereof, shall be incarcerated confined in the county or regional jail for not more than six months, or fined not more than \$1,000, or both fined and confined.~~

(c) Notwithstanding any provision of this code to the contrary, any person who violates the provisions of subsection (a) or (b) of this section in violation of an order entered by a circuit court, magistrate court, or family court judge, in effect and entered pursuant to §48-5-501, §48-5-601, or §48-27-403 of this code, is guilty of a misdemeanor and, upon conviction thereof, shall be

incarcerated confined in the county jail for not less than 90 days nor more than one year, or fined not less than \$2,000 nor more than \$5,000, or both fined and confined.

(d) A second or subsequent conviction for a violation of subsection (a) or (b) of this section occurring within five years of a prior conviction is a felony punishable by ~~incarceration~~ imprisonment in a state correctional facility for not less than one year nor more than five years, or fined not less than \$3,000 nor more than \$10,000, or both fined and ~~confined~~ imprisoned.

(e) Notwithstanding any provision of this code to the contrary, any person against whom a protective order is in effect for injunctive relief pursuant to the provisions of §48-5-608 or §48-27-501 of this code, who has been served with a copy of said order, who commits a violation of the provisions of this section, in which the subject in the protective order is the victim, shall be guilty of a felony and, upon conviction thereof, be imprisoned in a state correctional facility for not less than one year nor more than five years, or fined not less than \$3,000 nor more than \$10,000, or both fined and imprisoned.

(f) Notwithstanding any provision of this code to the contrary, any person against whom a protective order is in effect pursuant to the provisions of §53-8-7 of this code, who has been previously served with a copy of said order, who commits a violation of the provisions of this section, in which the subject in the protective order is the victim, is guilty of a felony and punishable by imprisonment in a state correctional facility for not less than one year nor more than five years, or fined not less than \$3,000 nor more than \$10,000, or both fined and confined.

(g) Notwithstanding any provision of this code to the contrary, any person who harasses another person with the intent to cause the person to physically injure himself or herself, or to take his or her own life, or who continues to harass another, knowing or having reason to know that the person is likely to physically injure himself or herself, or to take his or her own life based, in whole or in part, on such harassment, is guilty of a felony and, upon conviction, shall be imprisoned in a state correctional facility for a determinate sentence of not less than two years nor more than 10 years.

(f) (h) For the purposes of this section:

(1) 'Bodily injury' means substantial physical pain, illness, or any impairment of physical condition;

(2) 'Course of conduct' means a pattern of conduct composed of two or more acts in which a defendant directly, indirectly, or through a third party by any action, method, device, or means:

(A) Follows, monitors, observes, surveils, or threatens a specific person or persons;

(B) Engages in other non-consensual contact and/or communications, including contact through electronic communication, with a specific person or persons; or

(C) Interferes with or damages a person's property or pet.

~~(2)~~ (3) 'Credible threat' means a threat of bodily injury made with the apparent ability to carry out the threat and with the result that a reasonable person would believe that the threat could be carried out;

~~(3)~~ (4) 'Harasses' means a willful course of conduct directed at a specific person or persons which would cause a reasonable person mental injury or emotional distress and which serves no legitimate or lawful purpose;

(4) (5) 'Immediate family' means a spouse, parent, stepparent, mother-in-law, father-in-law, child, stepchild, sibling, or any person who regularly resides in the household or within the prior six months regularly resided in the household; and

(5) (6) 'Repeatedly' means on two or more occasions.

(4) (i) Any person convicted under the provisions of this section who is granted probation or for whom execution or imposition of a sentence or incarceration is suspended, ~~is to~~ shall have as a condition of probation or suspension of sentence that he or she participate in counseling or medical treatment as directed by the court.

(4) (j) Upon conviction, the court may issue an order restraining the defendant from any contact with the victim for a period not to exceed 10 years. The length of any restraining order shall be based upon the seriousness of the violation before the court, the probability of future violations, and the safety of the victim or his or her immediate family. The duration of the restraining order may be longer than five years only in cases when a longer duration is necessary to protect the safety of the victim or his or her immediate family.

(4) (k) It is a condition of bond for any person accused of the offense described in this section that the person is to have no contact, direct or indirect, verbal or physical, with the alleged victim.

(4) (l) Nothing in this section may be construed to preclude a sentencing court from exercising its power to impose home confinement with electronic monitoring as an alternative sentence.

(4) (m) The Governor's Committee on Crime, Delinquency, and Correction, after consultation with representatives of labor, licensed domestic violence programs, and rape crisis centers which meet the standards of the West Virginia Foundation for Rape Information and Services, is authorized to promulgate legislative rules and emergency rules pursuant to §29A-3-1 *et seq.* of this code, establishing appropriate standards for the enforcement of this section by state, county, and municipal law-enforcement officers and agencies."

The bill was then ordered to third reading.

Com. Sub. for S. B. 232, Removing outdated prohibitions against electronic or mechanical ticket dispensers and readers; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 562, Expunging certain criminal convictions; 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, as follows:

"ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.

§61-11-25. Expungement of criminal records for those found not guilty of crimes or against whom charges have been dismissed.

(a) Any person who has been charged with a criminal offense under the laws of this state and who has been found not guilty of the offense, or against whom charges have been dismissed, and not in exchange for a guilty plea to another offense, ~~may file a civil petition in the circuit court in which the charges were filed to expunge~~ shall have all records relating to the arrest, charge or other matters arising out of the arrest or charge expunged: *Provided*, That no record in the Division of Motor

Vehicles may be expunged by virtue of any order of expungement entered pursuant to ~~section two-b, article five, chapter seventeen-C~~ §17C-5-2b of this code: *Provided, however, further,* That any person who has previously been convicted of a felony may ~~not~~ file a petition for expungement of dismissed charges pursuant to this section. The term records as used in this section includes, but is not limited to, arrest records, fingerprints, photographs, index references or other data whether in documentary or electronic form, relating to the arrest, charge or other matters arising out of the arrest or charge. Criminal investigation reports and all records relating to offenses subject to the provisions of ~~article twelve, chapter fifteen of this code~~ §15-12-1, et seq. of this code because the person was found not guilty by reason of mental illness, mental retardation or addiction are exempt from the provisions of this section.

(b) The expungement ~~petition~~ shall be ~~filed~~ completed not sooner than ~~sixty~~ ninety days following the order of acquittal or dismissal by the court, and not later than six months. Any court entering an order of acquittal or dismissal shall inform the person who has been found not guilty or against whom charges have been dismissed of his or her rights to ~~file a petition for~~ expungement pursuant to this section.

~~(c) Following the filing of the petition, the court may set a date for a hearing. If the court does so, it shall notify the prosecuting attorney and the arresting agency of the petition and provide an opportunity for a response to the expungement petition.~~

~~(d) (c) If the court finds that there are no current charges or proceedings pending relating to the matter for which the expungement is sought, the court may grant the petition and order the sealing of all records in the custody of the court and expungement of any records in the custody of any other agency or official including law enforcement records. Every agency with records relating to the arrest, charge or other matters arising out of the arrest or charge, that is ordered to expunge records, shall certify to the court within ~~sixty days~~ six months of the entry of the expungement order, that the required expungement has been completed. All orders enforcing the expungement procedure shall also be sealed. Compliance with this section may only be compelled by writ of mandamus.~~

~~(e) (d)~~ Upon expungement, the proceedings in the matter shall be deemed never to have occurred. The court and other agencies shall reply to any inquiry that no record exists on the matter. The person whose record is expunged shall not have to disclose the fact of the record or any matter relating thereto on an application for employment, credit or other type of application.

~~(f) (e)~~ Inspection of the sealed records in the court's possession may thereafter be permitted by the court only upon a motion by the person who is the subject of the records or upon a petition filed by a prosecuting attorney that inspection and possible use of the records in question are necessary to the investigation or prosecution of a crime in this state or another jurisdiction. If the court finds that the interests of justice will be served by granting the petition, it may be granted.

~~(g) (f)~~ There shall be no filing fees charged or costs assessed ~~for filing an action~~ pursuant to this section.

§61-11-26. Expungement of certain criminal convictions; procedures; effect.

(a) *Eligibility for expungement.* —

(1) *Misdemeanors.* —

Subject to the limitations set forth in this section, a person convicted of a misdemeanor offense or offenses may, pursuant to the provisions of this section, petition the circuit court in which the conviction or convictions occurred for expungement of the conviction or convictions and the records

associated with the conviction or convictions. A person seeking expungement of convictions in multiple counties may file a petition for expungement in his or her county of residence, or if not a resident of this state in the counties wherein convictions occurred: *Provided*, That the provisions of this section, or where applicable §61-11-26a of this code, are otherwise met.

(2) *Nonviolent felonies.* —

Subject to the limitations set forth in this section, a person convicted of a nonviolent felony offense or offenses arising from the same transaction or series of transactions may, pursuant to the provisions of this section, petition the circuit court in which the conviction or convictions occurred for expungement of the conviction or convictions and the records associated with the conviction or convictions.

(b) *Temporal requirements.* —

(1) *Misdemeanor.* — A person is not eligible for expungement pursuant to subdivision (1), subsection (a) of this section until one year after conviction, completion of any sentence of incarceration or completion of any period of supervision, whichever is later in time.

(2) *More than one misdemeanor.* — A person is not eligible for expungement of multiple misdemeanors pursuant to subdivision (1), subsection (a) of this section until two years after the last conviction, completion of any sentence of incarceration, or completion of any period of supervision ordered for the last conviction, whichever is later in time.

(3) *Nonviolent felonies.* — A person is not eligible for expungement of a nonviolent felony pursuant to subdivision (2), subsection (a) of this section until five years after conviction, completion of any sentence of incarceration, or completion of any period of supervision, whichever is later in time.

(c) *Limitations on eligibility for expungement.* — A person is not eligible for expungement pursuant to subsection (a) of this section for convictions of the following offenses:

(1) Any felony offense of violence against the person as defined in subdivision (2), subsection (p) of this section or any misdemeanor offense involving the intentional infliction of physical injury to a minor or law-enforcement officer;

(2) Any felony offense in which the victim of the crime was a minor as defined in subdivision (3), subsection (p) of this section;

(3) Any violation of §61-8B-1 *et seq.* of this code;

(4) Any offense in which the petitioner used or exhibited a deadly weapon or dangerous instrument;

(5) Any violation of §61-2-28 of this code, or any offense which violates §61-2-9(b) or §61-2-9(c) of this code in which the victim was a spouse, a person with whom the person seeking expungement had a child in common, or with whom the person seeking expungement ever cohabited prior to the offense or a violation of §61-2-28(c) of this code;

(6) Any violation of §61-2-29 of this code;

(7) Any offense of driving under the influence of alcohol or a controlled substance;

- (8) Any offense which violates §17B-4-3 of this code;
- (9) Any offense which violates §61-8-12 or §61-8-19 of this code;
- (10) Any violation of §61-2-9a of this code;
- (11) Any violation of §61-8B-8 and §61-8B-9 of this code;
- (12) Any violation of §61-3-11 of this code, involving a structure regularly used as a dwelling;
- (13) Any conviction for which the sentencing judge made a written finding that the offense was sexually motivated;
- (14) Any offense which violates §17E-1-13(g) of this code; and
- (15) Any offense of conspiracy or attempt to commit a felony set forth in subdivisions (1) through (11) and (13), inclusive, of this subsection.

Provided, That expungement of a felony conviction that is otherwise eligible for expungement shall not be denied on the sole basis that the applicant has been convicted of a separate offense of driving under the influence of alcohol or a controlled substance which is not eligible for expungement.

(d) *Content of petition for expungements.* — Each petition to expunge a conviction or convictions pursuant to this section shall be verified under oath and include the following information: *Provided,* That a petition for the expungement of multiple misdemeanors shall identify and group such information by circuit court, as applicable, from which expungement of a particular conviction or convictions is being sought:

- (1) The petitioner's current name and all other legal names or aliases by which the petitioner has been known at any time;
- (2) All of the petitioner's addresses from the date of the offense in connection with which an expungement order is sought to date of the petition;
- (3) The petitioner's date of birth and Social Security number;
- (4) The petitioner's date of arrest, the court of jurisdiction, and criminal complaint, indictment, summons, or case number;
- (5) The statute or statutes and offense or offenses for which the petitioner was charged and of which the petitioner was convicted;
- (6) The names of any victim or victims, or a statement that there were no identifiable victims;
- (7) Whether there is any current order for restitution, protection, restraining order, or other no contact order prohibiting the petitioner from contacting the victim or whether there has ever been a prior order for restitution, protection, or restraining order prohibiting the petitioner from contacting the victim. If there is a current order, the petitioner shall attach a copy of that order to his or her petition;
- (8) The disposition of the matter and sentence imposed, if any;
- (9) The grounds on which expungement is sought, including, but not limited to, employment or licensure purposes;

(10) The steps the petitioner has taken since the time of the offense or offenses toward personal rehabilitation, including treatment, work, or other personal history that demonstrates rehabilitation;

(11) Whether petitioner has ever been granted expungement or similar relief regarding a criminal conviction by any court in this state, by the court of any other state, or by any federal court; and

(12) Any supporting documents, sworn statements, affidavits, or other information supporting the petition for expungement.

(e) *Service of petition for expungement.* — The petitioner shall serve a copy of the petition, with any supporting documentation, pursuant to the rules of the trial court upon the following persons or entities:

(1) The Superintendent of the State Police;

(2) The prosecuting attorney of the county or counties of conviction;

~~(3) The chief of police or other executive head of the municipal police department where the offense was committed;~~

~~(4) (3) The chief law-enforcement officer of any other the law-enforcement agency which participated in the arrest of arrested the petitioner;~~

~~(5) (4) The superintendent, or warden, or the Commissioner of Corrections of any institution in which the petitioner was confined or imprisoned pursuant to the conviction; and~~

~~(6) (5) The circuit court, magistrate court, or municipal court which disposed of the petitioner's criminal charge.~~

(f) The prosecuting attorney of the county in which expungement is sought shall serve the petition for expungement, accompanying documentation, and any proposed expungement order by first class mail to any identified victims.

(g) *Notice of opposition.* —

(1) Upon receipt of a petition for expungement, the persons and entities listed in subsection (e) of this section, and any other interested person or agency that desires to oppose the expungement may, within 30 days of receipt of the petition, file a notice of opposition with the court with supporting documentation and sworn statements setting forth the reasons for resisting the petition for expungement.

(2) A copy of any notice of opposition with supporting documentation and sworn statements shall be served upon the petitioner in accordance with trial court rules.

(3) The petitioner may file a reply to a notice of opposition no later than 30 days after service of any notice of opposition to the petition for expungement.

(h) *Burden of proof.* — The burden of proof shall be on the petitioner seeking an order of expungement to prove by clear and convincing evidence:

(1) That the conviction or convictions for which expungement is sought are the only convictions for that specified offense or offenses against the petitioner in this state and that the conviction or convictions are not excluded from expungement by the provisions of this section;

(2) That the requisite time has passed since the conviction or convictions or the completion of any sentence of incarceration or period of supervision as set forth in subsection (b) of this section;

(3) That the petitioner has no criminal charges pending against him or her;

(4) That the expungement is consistent with the public welfare;

(5) That the petitioner has, by his or her behavior since the conviction or convictions, evidenced that he or she has been rehabilitated and is law-abiding; and

(6) Any other facts considered appropriate or necessary by the court to make a determination regarding the petition for expungement.

(i) *Court procedure for petition for expungement.* — Within 60 days of the filing of a petition for expungement the circuit court shall:

(1) Summarily grant the petition;

(2) Return the petition to the petitioner to supply incomplete information or correct obvious errors in order to permit consideration of the petition on its merits;

~~(2)~~ (3) Set the matter for hearing; or

~~(3)~~ (4) Summarily deny the petition if the court determines ~~that the petition~~ discloses on its face is insufficient or, based upon supporting documentation and sworn statements filed in opposition to the petition, ~~the court determines~~ discloses that the petitioner, as a matter of law, is not entitled to expungement.

(j) *Hearing on petition for expungement.* —

If the court sets the matter for hearing, all interested parties who have filed a notice of opposition shall be notified. At the hearing, the court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with any law-enforcement authority, the institution of confinement, if any, and parole authority or other agency which was in any way involved with the petitioner's arrest, conviction, sentence, and post-conviction supervision, including any record of arrest or conviction in any other state or federal court. The court may hear testimony of witnesses and any other matter the court considers proper and relevant to its determination regarding the petition. The court shall enter an order reflecting its ruling on the petition for expungement with appropriate findings of fact and conclusions of law.

(k) *Sealing of records.* — If the court grants the petition for expungement, it shall order the sealing of all records in the custody of the court and expungement of any records in the custody of any other agency or official, including law-enforcement records. Every agency with records relating to the arrest, charge, or other matters arising out of the arrest or conviction that is ordered to expunge records shall certify to the court within 60 days of the entry of the expungement order that the required expungement has been completed. All orders enforcing the expungement procedure shall also be sealed.

(l) *Disclosure of expunged matters.* —

(1) Subject to the exceptions set forth in this section, upon expungement, the proceedings in the matter shall be considered, as a matter of law, never to have occurred. The court and other agencies shall reply to any inquiry that no record exists on the matter. The person whose record is expunged

shall not have to disclose the fact of the record or any matter relating to the record on an application for employment, credit, or other type of application: *Provided*, That any person applying for a position in which he or she would be engaging in the prevention, detection, investigation, prosecution, or incarceration of persons for violations of the law shall disclose any and all convictions to his or her prospective employer, regardless of whether the conviction or convictions have been expunged pursuant to this section.

(2) A person for whom an order of expungement has been entered pursuant to this section may not be found guilty of perjury or otherwise giving a false statement, under any provision of this code, because of that person's failure to recite or acknowledge the arrest, indictment, information, trial, or conviction, as long as the person is in compliance with subdivision (1) of this subsection.

(3) Notwithstanding any provisions of this code to the contrary, any person required by state or federal law to obtain a criminal history record check on a prospective employee are authorized to have knowledge of any convictions expunged under this section.

(m) *Inspection of sealed records.* — Inspection of the sealed records in the court's possession may thereafter be permitted by the court only upon a motion by the person who is the subject of the records or upon a petition filed by a prosecuting attorney that inspection and possible use of the records in question are necessary to the investigation or prosecution of a crime in this state or another jurisdiction. If the court finds that there is a legitimate reason for access and the interests of justice will be served by granting a petition to inspect the sealed record, it may grant access under the terms and conditions determined by the court.

(n) *Fees for filing petition for expungement and processing orders of expungement.* — The clerk of the circuit court shall charge and collect in advance the same fee for a petition for expungement as is charged for instituting a civil action pursuant to §59-1-11(a)(1) of this code. A person obtaining an order of expungement pursuant to the provisions of this section shall pay a fee of \$100 to the records division of the West Virginia State Police for the cost of processing the order of expungement deposited into a special revenue account within the State Treasurer's office to be known as the West Virginia State Police Criminal History Account.

(o) Notwithstanding any provision of this code to the contrary, a person may only obtain the relief of expungement afforded by the provisions of this section and §61-11-26a of this code once.

(p) For the purposes of this section:

(1) 'Court record' means an official record of a court about a proceeding that the clerk of the court or other court personnel maintains. "Court record" includes an index, a docket entry, a petition or other pleading, a memorandum, a transcription of proceedings, an electronic recording, an order, and a judgment.

(2) 'Expungement' means the removal from all public records, other than those specifically exempted therefrom by the provisions of this section and §61-11-26a of this code, all evidence that a person has been charged or convicted of a crime.

~~(2)~~ (3) 'Felony crime of violence against the person' means those felony offenses set forth in §61-2-1 *et seq.*, §61-3E-1 *et seq.*, §61-8B-1 *et seq.*, and §61-8D-1 *et seq.* of this code.

~~(3)~~ (4) 'Felony offenses in which the victim was a minor' means felony violations of §61-3C-14b, §61-8-1 *et seq.*, §61-8A-1 *et seq.*, §61-8C-1 *et seq.*, or §61-8D-1 *et seq.* of this code.

~~(4)~~ (5) 'Nonviolent felony' means a felony that:

(A) Is not an offense listed in subsection (c) of this section;

(B) Is not an offense involving the intentional infliction of serious bodily injury;

(C) Is an offense the conviction of which is based on facts and circumstances of which the circuit court finds to be consistent with the purposes of this article; and

(D) Is an offense the conviction of which the circuit court finds does not involve violence or potential violence to another person or the public.

~~(5)~~ (6) 'Records' do not include the records of the Governor, the Legislature, or the Secretary of State that pertain to a grant of pardon. Records that pertain to a grant of pardon are not subject to an order of expungement.

~~(6)~~ (7) 'Seal' means removing information from public inspection in accordance with this section.

~~(7)~~ (8) 'Sealing' means:

(A) For a record kept in a courthouse, removing the record to a separate, secure area to which persons who do not have a legitimate reason for access are denied access;

(B) For electronic information about a proceeding on the website maintained by a magistrate court, circuit court, or the Supreme Court of Appeals, removing the record from the public website; and

(C) For a record maintained by any law-enforcement agency, removing the record to a separate, secure area to which persons who do not have a legitimate reason for access are denied access.

(q) *Statutory construction.* — Nothing in this section may be construed to allow a person obtaining relief pursuant to this section to be eligible for reinstatement of any retirement or employment benefit which he or she lost or forfeited due to the conviction or convictions expunged.

(r) The enactment of this section during the 2019 regular session of the Legislature includes the repeal of the provisions of §61-11B-1 *et seq.* of this code. Any person that had a sentence reduction pursuant to the provisions of §61-11B-1 *et seq.* of this code may petition the court of record to have the criminal offense reduction order converted into an order of expungement. Upon verification by the court that the petitioner qualifies, the court shall enter an order of expungement of the petitioner's conviction.

§61-11-26a. Expungement of certain criminal convictions with approved treatment or recovery and job program.

(a) Notwithstanding any provisions of §61-11-26 of this code to the contrary, any person who has been convicted of a nonviolent felony offense or multiple misdemeanors and that would be eligible for expungement pursuant to the provisions of §61-11-26 of this code and who: (1) Has a medically documented history of substance abuse and of successful compliance with a substance abuse treatment or recovery and counseling program approved by the Secretary of the Department of Health and Human Resources; or (2) graduates from a West Virginia Department of Education-approved job readiness adult training course, or both, if applicable, may petition the circuit court or circuit courts in which the conviction or convictions occurred for expungement of the conviction or convictions and the records associated therewith as provided in §61-11-26 of this code as follows:

(1) Any person who has been convicted of a single misdemeanor that would be eligible for expungement pursuant to §61-11-26 of this code and satisfies the requirements of this section, is eligible for expungement pursuant to §61-11-26(a)(1) of this code upon successful compliance with an approved substance abuse treatment and recovery and counseling program for 90 days or upon completion of an approved job readiness adult training course, or both, if applicable, but after the completion of any sentence of incarceration or completion of any period of supervision, whichever is later in time.

(2) Any person who has been convicted of multiple misdemeanors that would be eligible for expungement pursuant to §61-11-26 of this code and satisfies the requirements of this section is not eligible for expungement pursuant to §61-11-26(a)(1) of this code until one year after the last conviction, completion of any sentence of incarceration, or completion of any period of supervision ordered for the last conviction, whichever is later in time.

(3) Any person who has been convicted of a nonviolent felony offense that would be eligible for expungement pursuant to §61-11-26 of this code and satisfies the requirements of this section is not eligible for expungement pursuant to §61-11-26(a)(2) of this code until three years after conviction, completion of any sentence of incarceration, or completion of any period of supervision, whichever is later in time.

(b) In addition to the required content of a petition for expungement as required by §61-11-26(d) of this code, any person petitioning for an expungement pursuant to the provisions of this section shall also include the following, if applicable:

(1) Documentation of compliance with an approved treatment or recovery and counseling program; and

(2) Certificate of graduation from an approved job readiness adult training course.

~~(c) A person may file only one petition for expungement, to the circuit court or circuit courts as applicable, pursuant to the provisions of this section and the provisions of §61-11-26 of this code~~

~~(c)~~ (c) The fee of \$100 to the records division of the West Virginia State Police for the cost of processing the order of expungement required in §61-11-26(n) of this code is waived for petitions of expungement filed pursuant to the provisions of this section.”

On motion of Delegate Shott, the Judiciary Committee amendment was amended, on page three, line fifty-one, after the word “convictions” and the period, by striking out the remainder of the paragraph.

The Judiciary Committee amendment, as amended, was then adopted.

The bill was then ordered to third reading.

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

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

Com. Sub. for S. B. 649, Permitting county emergency phone system directors negotiate contracts for mobile phones; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 651, Relating to definition of “mortgage loan originator”; on second reading, coming up in regular order, was read a second time and ordered to third reading.

First Reading

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

Com. Sub. for S. B. 125, Prohibiting victim from being subjected to certain physical examinations for sexual offenses,

Com. Sub. for S. B. 144, Creating misdemeanor penalty for making materially false statement in course of misdemeanor investigation,

Com. Sub. for S. B. 163, Relating to municipal or county taxation of hotel rooms booked through marketplace facilitator,

Com. Sub. for S. B. 175, Requiring certain agencies maintain website which contains specific information,

Com. Sub. for S. B. 208, Protecting consumers from unfair pricing practices during state of emergency,

Com. Sub. for S. B. 230, Requiring State Board of Education provide routine education in suicide prevention,

Com. Sub. for S. B. 261, Creating criminal penalties for introducing ransomware into computer with intent to extort,

Com. Sub. for S. B. 288, Relating to family planning and child spacing,

S. B. 289, Creating Green Alert Plan,

Com. Sub. for S. B. 303, Enacting Students’ Right to Know Act,

Com. Sub. for S. B. 491, Relating to Seed Certification Program,

S. B. 510, Making permanent land reuse agency or municipal land bank’s right of first refusal on certain tax sale properties,

Com. Sub. for S. B. 530, Relating to taxation of aircraft,

S. B. 545, Authorizing transfer of moneys from Insurance Commission Fund to Workers’ Compensation Old Fund,

S. B. 569, Expiring funds from various accounts to DHHR, Medical Services Program Fund,

Com. Sub. for S. B. 570, Expiring funds from State Excess Lottery Revenue Fund to DHHR, Medical Services Program Fund,

Com. Sub. for S. B. 575, Designating local fire department as safe-surrender site to accept physical custody of certain children from lawful custodian,

S. B. 641, Allowing WVCHIP flexibility in rate setting,

S. B. 647, Permitting physician's assistants and advanced practice registered nurses issue do-not-resuscitate orders,

Com. Sub. for S. B. 689, Enacting Requiring Accountable Pharmaceutical Transparency, Oversight, and Reporting Act,

Com. Sub. for S. B. 692, Clarifying persons indicted or charged jointly for felony offense can move to have separate trial,

Com. Sub. for S. B. 705, Allowing military veterans with certain experience qualify for examination as electrician or plumber,

Com. Sub. for S. B. 746, Providing contracted managed care companies access to uniform maternal screening tool,

S. B. 747, Requiring Bureau for Public Health develop Diabetes Action Plan,

S. B. 748, Increasing awareness of palliative care services,

Com. Sub. for S. B. 749, Requiring Fatality and Mortality Review Team share data with CDC,

Com. Sub. for S. B. 751, Removing certain requirements of municipality annexing property within urban growth boundary,

S. B. 767, Relating to licensure of hospitals,

Com. Sub. for S. B. 770, Revising requirements for post-doctoral training,

S. B. 803, Supplemental appropriation of money out of General Revenue Fund to DHHR,

S. B. 804, Supplemental appropriation of moneys from Treasury to PSC, Consumer Advocate Fund,

S. B. 805, Supplemental appropriation of moneys from Treasury to WV Commuter Rail Access Fund,

S. B. 806, Supplemental appropriation out of federal funds in Treasury to DOT,

S. B. 812, Supplemental appropriation from Lottery Net Profits to Bureau of Senior Services,

S. B. 838, Directing state police establish referral program for substance abuse treatment,

S. B. 851, Requiring Governor's Committee on Crime, Delinquency, and Correction propose rule in coordination with law enforcement and certain medical boards,

And,

Com. Sub. for H. B. 4021, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

In the absence of objection, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 195, Updating powers of personal representatives of deceased person's estate,

Com. Sub. for S. B. 213, Relating to administration of trusts,

Com. Sub. for S. B. 660, Regulating electric bicycles,

And,

Com. Sub. for S. B. 662, Removing restrictions on fiduciary commissioners,

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

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 668, Enacting Uniform Trust Decanting Act,

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

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

Your Committee on Finance has had under consideration:

Com. Sub. for S. B. 614, Changing method of allocating funding from Safe School Funds,

And,

Com. Sub. for S. B. 615, Declaring certain claims against state as moral obligations of state,

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

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

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

H. C. R. 128 – “Requesting the Joint Committee on Government and Finance study how state agencies can better manage the amount of state taxpayer dollars spend on utilities,”

Whereas, The state of West Virginia maintains and operates hundreds of buildings across the state; and

Whereas, The State of West Virginia agencies and higher education institutions have no comprehensive accounting of the total dollars spent on heating, air conditioning and lighting each year for buildings maintained and operated by the state; and

Whereas, State buildings have been built, renovated and leased with inefficient and outdated heating and air conditioning systems at significant costs; and

Whereas, Commercial buildings can waste as much as 30% of the energy used annually, according to a recent study by the Massachusetts Institute of Technology (MIT); and

Whereas, West Virginia lags behind other states in the development of energy management businesses; and

Whereas, The state agency and college and university and college owned buildings have significant deferred maintenance needs and the state has no real accounting of the total needs or strategy to provide the needed maintenance; and

Whereas, Other states have employed strategies to identify and address deferred maintenance; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the cost of utilities by state agencies; and, be it

Further Resolved, The study shall catalog the deferred maintenance needs for state agencies in regard to equipment that heats, cools and provides lighting for state agencies; and, be it

Further Resolved, The study will also provide recommendations on strategies to help ensure the state reduce costs by replacing needed heating, cooling and lighting infrastructure and equipment; and, be it

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

Further Resolved, That the West Virginia Office of Energy which is part of the Department of Commerce, the Department of Administration, the Higher Education Policy Commission, The Department of Health and Human Resources, The Department of Corrections and other state agencies are requested to cooperate with the Legislature as it conducts this study; and, be it

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

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

H. C. R. 129 - "Requesting the Joint Committee on Government and Finance study the professional and occupational licensing policies, procedures and regulatory practices that impact workers in this state,"

Whereas, Residents of this state engaged in professions and occupations are frequently required to obtain a license, registration or certification, which can stand as a barrier to entry into gainful employment; and

Whereas, Professional and occupational regulation is administered by a variety of regulatory agencies, boards, and commissions, with varying overhead expenses and the costs of obtaining a license vary by profession and occupation, in a manner that appears to be inconsistent and lacks uniformity across the professional and occupational spectrum; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the professional and occupational licensing policies, procedures, and regulatory practices that impact workers in this state; and, be it

Further Resolved, That all professional and occupational licensing entities shall cooperate with the Legislature in the conduct of this study by providing to the Joint Standing Committee on Government Organization on or before June 1, 2020, a copy of the regulatory body's 2019 Annual Report or, where an annual report has not been produced in the previous 2 years, the regulatory body shall prepare a report of its activities for the preceding two years, containing the following information for that period: (1) The total receipts and itemized disbursements for each year; (2) A list of amounts received in each year for the following categories of receipts: (A) License applications, registrations and renewals; (B) Examination fees, if applicable; (C) Other fees, including late fees, copying charges and fees for printed certificates; (D) Fines or penalties; (E) Expense reimbursements from disciplinary actions; and (F) Grants, special appropriations or other sources of revenue not from fees; (3) A list of amounts spent in each year for the following categories of expenditures: (A) Personal services; (B) Board member per diem compensation; (C) Travel expenses and automobile mileage; (D) Professional contracts; (E) Rent; (F) Office supplies; (G) Postage; (H) Entertainment and hosting; (I) Insurance; and (J) Bank costs; (4) A complete list of the names of all persons newly licensed or registered; (5) A table or list showing numbers of licensees or registrants by West Virginia county of practice or, for out-of-state licensees or registrants, by state of residence, and by specialty, if appropriate to the particular profession; (6) Complaints filed and investigations opened by the regulatory body, with a brief classification of the nature of the complaint, together with the dates of compliance with any time requirements and a description of the disposition, if any; (7) In addition to complaints reported under the preceding subsection, complaints resolved and investigations closed by the regulatory body, with a brief classification of the nature of the complaint, together with the dates of compliance with any time requirements, and the disposition, if any; and (8) Copies of the agendas for, and minutes of, the regulatory body meeting and any committee or subcommittee meetings; and, be it

Further Resolved, That the Joint Committee on Government Organization shall forward a copy of this study resolution to each professional and occupational regulatory body and schedule an entrance interview with each; and, be it

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

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

And,

By Delegates Howell, C. Martin, Azinger, Barnhart, Cadle, Caputo, Diserio, Hamrick, Hansen, Hanna, Hicks, Hott, D. Jeffries, J. Jeffries, Jennings, Little, Pyles, Stagers, Sypolt, Tomblin, Walker, Wilson and Worrell:

H. C. R. 130 - "Requesting the Joint Committee on Government and Finance to study the adoption and enforcement of the municipal building codes and property maintenance codes as to the appropriateness of requiring submission of such codes through the Legislative Rule-Making process prior to implementation and enforcement."

Whereas, The Legislature is committed to ensuring that the implementation and enforcement of regulations across the state are uniformly predictable and do not serve to obstruct the citizens of this state, or overly burden business and industry; and

Whereas, With 55 County Governments each implementing and enforcing separate municipal building codes and property maintenance codes, the potential exists to have divergent and contradictory regulatory schemes in neighboring counties and across this state, creating confusion and business uncertainty among the regulated communities; and

Whereas, Building and property maintenance codes are intended to protect the well-being of the citizens of this state and provide uniform predictable regulations that business and industry can rely on, encouraging them to build, locate and remain in this state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the adoption and enforcement of the municipal building codes and property maintenance codes as to the appropriateness of requiring submission of such codes through the Legislative Rule-Making process prior to implementation and enforcement; and, be it

Further Resolved, That all state and local building code administrators and building code enforcement officers shall cooperate with the Legislature in the conduct of this study; and, be it

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

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

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Angelucci, Evans, Kessinger, Kump, Steele and Storch.

At 2:17 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 2, 2020.

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

SPECIAL CALENDAR

Monday, March 2, 2020

55th Day

11:00 A. M.

THIRD 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 (SHOTT) (REGULAR)
- Com. Sub. for S. B. 201 - Relating generally to criminal offenses of stalking and harassment (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 (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)

SECOND READING

- Com. Sub. for S. B. 125 - Prohibiting victim from being subjected to certain physical examinations for sexual offenses (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 144 - Creating misdemeanor penalty for making materially false statement in course of misdemeanor investigation (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- Com. Sub. for S. B. 163 - Relating to municipal or county taxation of hotel rooms booked through marketplace facilitator (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING) (HOWELL) (REGULAR)
- Com. Sub. for S. B. 175 - Requiring certain agencies maintain website which contains specific information (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 208 - Protecting consumers from unfair pricing practices during state of emergency (SHOTT) (REGULAR)

- Com. Sub. for S. B. 230 - Requiring State Board of Education provide routine education in suicide prevention (EDUCATION COMMITTEE AMENDMENT PENDING) (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 261 - Creating criminal penalties for introducing ransomware into computer with intent to extort (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- Com. Sub. for S. B. 288 - Relating to family planning and child spacing (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING) (HILL) (REGULAR)
- S. B. 289 - Creating Green Alert Plan (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 303 - Enacting Students' Right to Know Act (EDUCATION COMMITTEE AMENDMENT PENDING) (ELLINGTON) (JANUARY 1, 2021)
- Com. Sub. for S. B. 491 - Relating to Seed Certification Program (HOWELL) (REGULAR)
- S. B. 510 - Making permanent land reuse agency or municipal land bank's right of first refusal on certain tax sale properties (SHOTT) (REGULAR)
- Com. Sub. for S. B. 530 - Relating to taxation of aircraft (FINANCE COMMITTEE TITLE AMENDMENT PENDING) (HOUSEHOLDER) (JULY 1, 2020)
- S. B. 545 - Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 569 - Expiring funds from various accounts to DHHR, Medical Services Program Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 570 - Expiring funds from State Excess Lottery Revenue Fund to DHHR, Medical Services Program Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 575 - Designating local fire department as safe-surrender site to accept physical custody of certain children from lawful custodian (HILL) (REGULAR)
- Com. Sub. for S. B. 583 - Creating program to further development of renewable energy resources (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- S. B. 641 - Allowing WVCHIP flexibility in rate setting (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING) (HILL) (REGULAR)
- S. B. 647 - Permitting physician's assistants and advanced practice registered nurses issue do-not-resuscitate orders (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING) (HILL) (REGULAR)

- Com. Sub. for S. B. 689 - Enacting Requiring Accountable Pharmaceutical Transparency, Oversight, and Reporting Act (HILL) (REGULAR)
- Com. Sub. for S. B. 692 - Clarifying persons indicted or charged jointly for felony offense can move to have separate trial (SHOTT) (REGULAR)
- Com. Sub. for S. B. 705 - Allowing military veterans with certain experience qualify for examination as electrician or plumber (HOWELL) (REGULAR)
- Com. Sub. for S. B. 746 - Providing contracted managed care companies access to uniform maternal screening tool (HILL) (REGULAR)
- S. B. 747 - Requiring Bureau for Public Health develop Diabetes Action Plan (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING) (HILL) (REGULAR)
- S. B. 748 - Increasing awareness of palliative care services (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING) (HILL) (REGULAR)
- Com. Sub. for S. B. 749 - Requiring Fatality and Mortality Review Team share data with CDC (HILL) (REGULAR)
- Com. Sub. for S. B. 751 - Removing certain requirements of municipality annexing property within urban growth boundary (HOWELL) (REGULAR)
- S. B. 767 - Relating to licensure of hospitals (HILL) (REGULAR)
- Com. Sub. for S. B. 770 - Revising requirements for post-doctoral training (HILL) (REGULAR)
- S. B. 803 - Supplemental appropriation of money out of General Revenue Fund to DHHR (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 804 - Supplemental appropriation of moneys from Treasury to PSC, Consumer Advocate Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 805 - Supplemental appropriation of moneys from Treasury to WV Commuter Rail Access Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 806 - Supplemental appropriation out of federal funds in Treasury to DOT (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 812 - Supplemental appropriation from Lottery Net Profits to Bureau of Senior Services (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 838 - Directing state police establish referral program for substance abuse treatment (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (EFFECTIVE FROM PASSAGE)

S. B. 851 - Requiring Governor's Committee on Crime, Delinquency, and Correction propose rule in coordination with law enforcement and certain medical boards (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)

Com. Sub. for H. B. 4021 - Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

FIRST READING

Com. Sub. for S. B. 136 - Prohibiting certain misleading lawsuit advertising practices (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)

Com. Sub. for S. B. 195 - Updating powers of personal representatives of deceased person's estate (SHOTT) (REGULAR)

Com. Sub. for S. B. 213 - Relating to administration of trusts (SHOTT) (JULY 1, 2020)

S. B. 322 - Relating to prequalifications for state contract vendors (HOWELL) (REGULAR)

Com. Sub. for S. B. 490 - Relating to criminal offenses against agricultural facilities (SHOTT) (REGULAR)

Com. Sub. for S. B. 578 - Recalculating tax on generating, producing, or selling electricity from solar energy facilities (HOUSEHOLDER) (JULY 1, 2020)

S. B. 600 - Creating special revenue account designated Military Authority Fund (HOUSEHOLDER) (REGULAR)

Com. Sub. for S. B. 614 - Changing method of allocating funding from Safe School Funds (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)

Com. Sub. for S. B. 615 - Declaring certain claims against state as moral obligations of state (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)

Com. Sub. for S. B. 660 - Regulating electric bicycles (SHOTT) (REGULAR)

Com. Sub. for S. B. 662 - Removing restrictions on fiduciary commissioners (SHOTT) (REGULAR)

Com. Sub. for S. B. 668 - Enacting Uniform Trust Decanting Act (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (JULY 1, 2020)

Com. Sub. for S. B. 670 - Amending service of process on nonresident persons or corporate entities (SHOTT) (REGULAR)

Com. Sub. for S. B. 690 - Permitting street-legal special purpose vehicles on highways (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING) (HOWELL) (REGULAR)

- Com. Sub. for S. B. 722 - Relating to special license plates for public and private nonprofit transit providers (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING) (HOWELL) (JULY 1, 2020)
- Com. Sub. for S. B. 738 - Creating Flatwater Trail Commission (HOWELL) (REGULAR)
- Com. Sub. for S. B. 802 - Relating to public utilities generally (GOVERNMENT ORGANIZATION COMMITTEE AMENDMENT PENDING) (HOWELL) (REGULAR)
- Com. Sub. for S. B. 810 - Implementing federal Affordable Clean Energy rule (SHOTT) (REGULAR)

HOUSE CALENDAR

Monday, March 2, 2020

55th 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)

S. B. 509 - Relating to custodial allocation actions independent of divorce (SHOTT) (REGULAR)

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

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

Com. Sub. for H. B. 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. 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)

- 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

MONDAY, MARCH 2, 2020

HOUSE CONVENES AT 11:00 A.M.

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

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

**COMMITTEE ON THE JUDICIARY
9:30 A.M. – ROOM 410 M**

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

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