

Tuesday, January 28, 2020

TWENTY-FIRST DAY

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

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

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

The Clerk proceeded to read the Journal of Monday, January 27, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 4094, on Second Reading, House Calendar, had been transferred to the Special Calendar.

Committee Reports

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

Your Committee on Education has had under consideration:

H. B. 2464, Requiring free feminine hygiene products in grades 6 through 12,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2464) 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:

H. B. 4470, Relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services,

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

Com. Sub. for H. B. 4470 - "A Bill to amend and reenact §49-4-722 of the Code of West Virginia, 1931, as amended, relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services; and authorizing the Commissioner of the Division of Corrections and Rehabilitation to designate a unit in one or more institutions to house adults remaining under the juvenile jurisdiction of the circuit court to ensure that such persons are not within sight or sound of adult inmates,"

With the recommendation that the committee substitute do pass.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 4359, Increasing the filing fees for insurers,

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

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 4466, Certificates of Insurance Act,

H. B. 4477, West Virginia Mutual to Mutual Insurance Holding Company Act,

And,

H. B. 4502, Relating to insurance adjusters,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4466, H. B. 4477 and H. B. 4502) were each referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

H. B. 2338, Allowing the owner of an antique military vehicle to display alternate registration insignia,

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

Com. Sub. for H. B. 2338 - "A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended, relating to allowing the owner of an antique military vehicle to display alternate registration insignia that is compatible with the vehicle's original markings in lieu of a registration plate; and defining terms,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 4179, Recognition of Emergency Medical Services Personnel Licensure Interstate Compact,

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

Delegate Cooper, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 4263, Commissioner of Agriculture, hemp products,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4263) was referred to the Committee on the Judiciary.

Delegate Cooper, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

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

And,

H. B. 4407, Exempting from the sales tax all-terrain vehicles and utility terrain vehicles used as farm equipment,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2149 and H. B. 4407) were each referred to the Committee on Finance.

Delegate Cooper, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 2663, Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2663) was referred to the Committee on Government Organization.

Delegate Atkinson, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 4381, Relating to lifetime hunting, fishing and trapping licenses for adopted children,

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

Delegate Atkinson, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 4456, Allowing a member of a volunteer fire department to purchase a resident lifetime hunting, fishing, and trapping license,

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 (H. B. 4456) was referred to the Committee on Finance.

Messages from the Senate

A message from the Senate, by

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

S. B. 8 - "A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; providing for license to carry deadly weapons; and exempting honorably discharged veterans of the armed forces of the United States from payment of fees and costs required to get a license to carry deadly weapons"; which was referred to the Committee on Veterans' Affairs and Homeland Security then Finance.

A message from the Senate, by

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

S. B. 114 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1 and §9-11-2, all relating to providing continued eligibility for developmental disability services to dependents of military service members; defining terms; establishing dependents retention of rights for developmental disability services provided conditions are met; providing dependents be placed on waiting list for services; establishing a process to reestablish services for dependent upon return to state; prohibiting payment for services rendered outside state; and providing for rulemaking"; which was referred to the Committee on Veterans' Affairs and Homeland Security then Finance.

A message from the Senate, by

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

S. B. 289 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-3E-1, §15-3E-2, §15-3E-3, §15-3E-4, §15-3E-5, and §15-3E-6, all relating to creating a Green Alert Plan"; which was referred to the Committee on Veterans' Affairs and Homeland Security then Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 303 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-10P-1, §18-10P-2, §18-10P-3, §18-10P-4, §18-10P-5, and §18-10P-6, all relating to enacting the Students' Right-to-Know Act; declaring purpose of helping high school students make more informed decisions about their futures and ensuring they are adequately aware of the cost and benefits of certificate programs, vocational programs, two-year college, four-year college, and other alternative career paths; requiring the State Board of Education to collect and disseminate certain career landscape information; allowing the State Board of Education for information required to be collected; requiring any department, agency, or division that possesses certain required information to provide that information to the State Board of Education annually; and establishing an effective date"; which was referred to the Committee on Education.

A message from the Senate, by

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

Com. Sub. for S. B. 357 - "A Bill to amend and reenact §64-7-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Revenue to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Insurance Commissioner to promulgate a legislative rule relating to Medicare supplement insurance; authorizing the Insurance Commissioner to promulgate a legislative rule relating to credit for reinsurance; authorizing the Insurance Commissioner to promulgate a legislative rule relating to pharmacy auditing entities and pharmacy benefit managers; authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing; authorizing the State Tax Department to promulgate a legislative rule relating to consumers sales and service tax and use tax-drugs, durable medical goods, mobility-enhancing equipment, and prosthetic devices per se exemption, motor vehicles per se exemption; and authorizing the State Tax Department to promulgate a legislative rule relating to use tax-drugs.

A message from the Senate, by

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

Com. Sub. for S. B. 364 - "A Bill to amend and reenact §64-8-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Transportation to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Division of Highways to promulgate a legislative rule relating to use of state road rights-of-way and adjacent areas; authorizing the Division of Highways to promulgate a legislative rule relating to transportation of hazardous wastes upon the roads and highways; authorizing the Division of Highways to promulgate a legislative rule relating to small wireless facilities on Division of Highways rights-of-way; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to a safety and treatment program; and authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to state Vehicle Title, Registration, and Relicensing Project of 2018"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 468 - "A Bill to amend and reenact §20-2-30 of the Code of West Virginia, 1931, as amended, relating to eligibility for license or permit application and unlawful acts when applying for a license or permit"; which was referred to the Committee on Agriculture and Natural Resources.

A message from the Senate, by

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

Com. Sub. for S. B. 470 - "A Bill to amend and reenact §20-2-5g of the Code of West Virginia, 1931, as amended, relating to use of a crossbow to hunt; decreasing length of crossbow; and specifying measurement method"; which was referred to the Committee on Agriculture and Natural Resources.

A message from the Senate, by

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

Com. Sub. for S. B. 487 - "A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended, relating to additional powers, duties, and services of Director of Division of Natural Resources; and creating exception to requirement that Division of Natural Resources payments be deposited in bank within 24 hours"; which was referred to the Committee on Agriculture and Natural Resources.

A message from the Senate, by

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

Com. Sub. for S. B. 500 - "A Bill to amend and reenact §20-2-42w of the Code of West Virginia, 1931, as amended, relating to Class Y special crossbow hunting permit application requirements; removing requirement for applicant to provide written release authorizing examination of all medical records regarding qualifying disability; and removing language that completed permit form constitutes Class Y permit"; which was referred to the Committee on Agriculture and Natural Resources.

A message from the Senate, by

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

Com. Sub. for S. B. 501 - "A Bill to amend and reenact §20-5-3 of the Code of West Virginia, 1931, as amended, relating to purposes and duties of Section of Parks and Recreation of Division of Natural Resources; clarifying location of Greenbrier River Trail; clarifying location of North Bend Rail Trail; and adding protection, operation, and maintenance of Elk River Trail as duty of Section of Parks and Recreation"; which was referred to the Committee on Agriculture and Natural Resources.

A message from the Senate, by

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

S. B. 509 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-9-105, relating to venue for custodial allocation actions independent of divorce"; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates Higginbotham, Graves, Cowles, Waxman, Linville, Maynard, Hardy, Bartlett, Hornbuckle and Barrett offered the following resolution, which was read by its title and referred to the Committee on Small Business, Entrepreneurship and Economic Development then Rules:

H. R. 8 - "Resolution supporting the signing of a Bilateral Trade Agreement between the United States and the Republic of China (Taiwan), celebrating the landmark 40th anniversary of the sister-state ties between the State of West Virginia and Taiwan, reaffirming support for Taiwan's meaningful participation and contribution in international organizations, and for strengthening and expanding sister-state ties between the State of West Virginia and Taiwan."

Whereas, The Republic of China (Taiwan) and the United States have enjoyed a longstanding partnership and share the common values of freedom, democracy and human rights. In 2019, Taiwan ranked as second freest country in Asia by Freedom House, and ranked 10th among 180 world economies in terms of economic freedom by the Heritage Foundation, demonstrating the strength and vitality of its democratic system and showcasing Taiwan as a beacon of democracy in the world; and

Whereas, The State of West Virginia is proud of the sister-state relationship it has enjoyed with Taiwan since August 4, 1980, marked by strong bilateral trade, education and cultural exchange. In 2020, the State of West Virginia celebrates the landmark 40th anniversary of the sister-state ties with Taiwan and looks forward to an even closer relationship between West Virginia and Taiwan in the future; and

Whereas, In 2018, the bilateral trade between West Virginia and Taiwan amounted to nearly \$101.8 million, and Taiwan is our seventh-largest export market in Asia, demonstrating that Taiwan is not only a friendly sister-state of West Virginia but also an important trading partner; and

Whereas, West Virginia welcomes all opportunities for an even closer economic partnership to increase the trade and investment, endorses Taiwan's effort to secure the signing of a U.S.-Taiwan Bilateral Trade Agreement (BTA) to boost greater West Virginia exports to Taiwan and considers to re-open a trade office in Taiwan to bring in more Taiwanese investment such as the \$34 million project which Far Eastern New Century Corporation introduced in 2018; and

Whereas, The United States and Taiwan have forged ever stronger economic and security relations over the last four decades based on their shared commitment to democracy, the rule of law and free market principles; with United States now Taiwan's second-largest trading partner and second-largest destination of Taiwan outward investment; and with Taiwan now the 10th largest trading partner of the United States and a key destination for United States agricultural exports; and

Whereas, In the 2018/19 academic year, 23,369 students from Taiwan studied in the U.S., making Taiwan the seventh-leading place of origin for students coming to the U.S. and contributed more than \$902 million to the U.S. economy, through their spending on tuition, accommodation and living expenses; and

Whereas, Taiwan has been proven to be a very valuable contributor in a broad range of global issues, and is necessary to be granted access to meaningfully participate in various international organizations including the World Health Organization (WHO), International Civil Aviation

Organization (ICAO), United Nations Framework Convention on Climate Change (UNFCCC), and International Criminal Police Organization (INTERPOL);

Resolved by the House of Delegates:

Now, therefore, be it resolved, that the Legislature of the State of West Virginia, endorses Taiwan's efforts to secure the signing of Bilateral Trade Agreement with the United States; commends Taiwan's vibrant, full-fledged democracy; celebrates the landmark 40th anniversary of sister-state ties with Taiwan; reaffirms its commitment to the strengthening and deepening of the sister-state relationship between the State of West Virginia and Taiwan; and continues to support Taiwan's meaningful participation and contribution in international organizations which impact the health, safety, and well-being of its people, and supports its aspiration to make more contribution in the international community.

Further Resolved, That a copy of this resolution be sent to Governor Jim Justice of West Virginia, and another sent to Mr. Stanley Kao, Representative of the Taipei Economic and Cultural Representative Office in the United States.

And,

Delegates Rodighiero, Tomblin and Miller offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 43 - "Requesting the Division of Highways to name a one-mile section of WV Route 17, from mile marker 9.87 to mile marker 10.87, in Boone County, West Virginia, the 'U. S. Army SPC Larry E. Nunnery, Sr. Memorial Highway'."

Whereas, Army Specialist Nunnery was born on April 29, 1942, to Samuel and Lola Nunnery; and

Whereas, Army Specialist Nunnery married Janice White Nunnery; and

Whereas, Army Specialist Nunnery served in the United States Army in Korea and Germany; and

Whereas, Following his military service, Army Specialist Nunnery worked in the coal mines until he became disabled and also worked with the Boone County Parks and Recreation for 10 years; and

Whereas, Army Specialist Nunnery was a member of the Independent Order of Odd Fellows and served on the Boone County Correctional Officer Civil Service Committee for two years; and

Whereas, Army Specialist Nunnery was Vice Chairman of the Democratic Party in Boone County for more than 10 years and assisted numerous veterans to file and receive benefits; and

Whereas, Army Specialist Nunnery passed away on December 31, 2000; and

Whereas, It is fitting that an enduring memorial be established to commemorate this native son who so ably served his state and his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a one-mile section of WV Route 17, from mile marker 9.87 to mile marker 10.87, in Boone County, West Virginia, the "U. S. Army SPC Larry E. Nunnery, Sr. Memorial Highway"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying that road as the "U. S. Army SPC Larry E. Nunnery, Sr. Memorial Highway"; and, be it

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

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Fleischauer, Pethtel, Estep-Burton, Lavender-Bowe, Caputo, Bates, Boggs, Hansen, Staggers, Angelucci and Hartman:

H. J. R. 110 - "Proposing an amendment to the Constitution of the State of West Virginia, amending article IV thereof, by adding thereto a new section, designated section thirteen, relating to the arrangement of Congressional, Senatorial and Delegate Districts after census by creating a State Apportionment Commission; designating for appointment, terms of office, duties of and eligibility for commissioners; establishing process for Commission to develop plans; providing that State Apportionment Commission must submit redistricting plans to each house; providing that each house may reject its plan by a two-thirds vote of the members elected; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendments"; to the Committee on Political Subdivisions.

Petitions

Delegate Pushkin presented a petition from individuals urging Delegates to keep drinking water safe and reject **H. B. 4079**, Altering the definition of an aboveground storage tank; which was referred to the Committee on Energy.

Bills Introduced

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

By Delegates Shott, Maynard, Rowan, Pushkin, Westfall, Lavender-Bowe, S. Brown and Cowles:

H. B. 4556 - "A Bill to amend and reenact §62-12-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section designated §62-12-13c, all relating to authorizing the Commissioner of the Division of Corrections and Rehabilitation to approve home plans for inmates, authorizing the Commissioner of the Division of Corrections and Rehabilitation to establish a nonviolent offense parole program; establishing eligibility requirements for said program; clarifying that inmates released under said program are subject to the same conditions of release and sanctions; clarifying that inmate's failing to successfully complete the rehabilitation treatment program are ineligible for release; and clarifying that inmates not otherwise released may be eligible for said program at the time of successful completion of the rehabilitation treatment program"; to the Committee on the Judiciary.

By Delegate Hill:

H. B. 4557 - "A Bill to amend and reenact §27-9-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §27-17-3 of said code, all relating to centers and institutions that provide the care and treatment of mentally ill or intellectually disabled individuals and group residential homes treating behaviorally disabled individuals; to include the ability to impose civil money penalties against such facilities for good cause; and to update obsolete terminology"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Maynard, Householder, Howell, Graves, Rowan, Hardy, Espinosa, Linville, Hill, Pack and Criss:

H. B. 4558 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13FF-1, §11-13FF-2, §11-13FF-3, §11-13FF-4, §11-13FF-5, §11-13FF-6 and §11-13FF-7, all relating generally to creating a personal income tax credit for volunteer firefighters in West Virginia; providing for definitions; providing for a tax credit for a volunteer firefighter for personal income tax in a taxable year; providing for a tax credit limitation of \$5,000 for a single person; providing for a tax credit limitation of \$10,000 of persons filing tax returns jointly under certain conditions; providing that the tax credit for volunteer firefighters must be used in the taxable year and cannot be carried forward; providing for documentation of eligibility for the tax credit; providing for require contents of the documentation evidencing eligibility for the tax credit; providing that the form must be sent to the Tax Commission to receive the tax credit; providing for rule-making authority; providing for reporting at certain time; and providing for an effective date"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegate Shott:

H. B. 4559 - "A Bill to amend and reenact §55-2-15 of the Code of West Virginia, 1931, as amended, relating to modifying the limitations on civil actions against the perpetrator of sexual assault or sexual abuse upon a minor"; to the Committee on the Judiciary.

By Delegates Hansen, Higginbotham, Skaff, Steele, Fleischauer, Walker, Pyles, Williams, Barrett, Canestraro and Pushkin:

H. B. 4560 - "A Bill to amend and reenact §60-8-6b of the Code of West Virginia, 1931, as amended, relating to deliveries by a licensed wine specialty shop"; to the Committee on the Judiciary.

By Delegates Campbell, Maynard, Bates, Pack, Paynter, Steele, Evans, Lavender-Bowe, Toney and Cooper:

H. B. 4561 - "A Bill to amend and reenact §17-16A-6 of the Code of West Virginia,1931, as amended, relating to exempting law enforcement and emergency vehicles from paying turnpike tolls"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegates Anderson, Cowles, J. Kelly, Hanshaw (Mr. Speaker), Miley, Hansen, Miller, Evans, Higginbotham, Westfall and Azinger:

H. B. 4562 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-10, relating to creating a program to further the development of renewable energy resources and renewable energy facilities for solar energy by modifying the powers and duties of the Public Service Commission; providing for legislative findings and declarations; providing for definitions; providing for an application process and program for multivear comprehensive renewable energy facilities for electric utilities, as defined, to plan, design, construct, purchase, own, and operate renewable energy generating facilities, energy storage resources, or both, under specified conditions and limitations; providing that annual energy output is to be offered for sale, sold, or contracted to be sold to residential, commercial, or industrial customers, pursuant to a renewable special contracts or renewable tariffs; providing for commission review and approval of said programs; allowing cost recovery for said programs; providing for requirements for said programs; providing for application requirements and contents in lieu of applications for certificates of public convenience and necessity; providing for public notice at the direction of the commission for anticipated rates and rate increases in interested counties; providing for a hearing on applications within 90 days of notice; defining circumstances when a hearing can be waived for lack of opposition; defining a time period of 150 days within which the commission shall issue a final order after the application date; requiring the commission to find the programs as in the public interest; requiring the commission, after notice and hearing, to approve applications and allow cost recovery for just and reasonable expenditures; establishing accounting methods, practices, rates of return, calculations,

dates, and procedures relevant for cost recovery; requiring a utility to place in effect commission approved rates that include cost recovery with certain defined items; defining concurrent cost recovery; requiring yearly application filings by the utility with the commission regarding cost recovery; providing for an effective date on passage; and providing for a sunset date"; to the Committee on Energy.

By Delegates Walker, Fleischauer, Pushkin, Estep-Burton, C. Thompson, S. Brown and Hornbuckle:

H. B. 4563 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-32-1, §29-32-2, §29-32-3, §29-32-4, §29-32-5, §29-32-6, §29-32-7, §29-32-8, §29-32-9, §29-32-10, §29-32-11, §29-32-12 and §29-32-13, all relating to creating a law-enforcement transparency board; providing structure, and selection process for members; providing definitions; providing that the Attorney General serve as administrative head of the board and describing powers and duties; required meetings, reports, and board powers, duties, and authority; how board funded and staff trained; receiving complaints and investigation process; requiring Law-Enforcement Agencies to cooperate with the board; disposition of cases; requiring board to provide findings of investigations to appropriate oversight authorities; and disciplinary oversight"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates D. Jeffries, Foster, Mandt, Steele, Hanna, Waxman, Sypolt, Bartlett, Phillips and McGeehan:

H. B. 4564 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9-9, relating to participation in school sports"; to the Committee on Education.

By Delegates Walker, Longstreth, Staggers, Pyles, Williams, Hansen, Estep-Burton, Angelucci and Fleischauer:

H. B. 4565 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-59-1, §16-59-2, §16-59-3, §16-59-4, §16-59-5, §16-59-6, §16-59-7, and §16-59-8, all relating generally to prohibiting the use of polystyrene containers; definitions; and authorizing the West Virginia Department of Health and Human Resources to impose civil fines for violations"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Higginbotham, Hanna, Ellington, Householder, Graves, Maynard, Hardy, Bartlett and Barrett:

H. B. 4566 - "A Bill to amend the Code of West Virginia, 1931, by adding thereto a new section, designated §11-24-6c, relating to establishing a tax deduction against corporation net income tax for retail food distributors that donate certain surplus food products to school 'backpack programs' and school pantries; requiring rulemaking; defining terms"; to the Committee on Finance.

By Delegates Higginbotham, Pushkin, Walker, C. Thompson, Hornbuckle, Steele, Hill, Dean, Hamrick and Barrett:

H. B. 4567 - "A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to the use of medical cannabis; allowing medical cannabis to be dispensed as dry flower or plant flower and in edible forms; removing the restriction that medical cannabis not be dispensed in dry leaf or plant form; and removing the prohibition on smoking medical cannabis"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Higginbotham, Graves, Ellington, Linville, Hanna, Hardy, Pushkin, Barrett and Hornbuckle:

H. B. 4568 - "A Bill to amend and reenact §18-2-40 of the Code of West Virginia, 1931, as amended, relating to requiring the State Board of Education to provide for the routine education of all

professional educators, including principals and administrators, and those service personnel having direct contact with students, on warning signs and resources to assist in suicide prevention under guidelines established by the state board"; to the Committee on Education then Finance.

By Delegates Hill and Pack:

H. B. 4569 - "A Bill to amend and reenact §11-27-10a of the West Virginia Code of 1931, as amended, relating to imposing a health care related provider tax on certain health care organizations"; to the Committee on Health and Human Resources then Finance.

By Delegates Campbell, Caputo, Rowan, Hott, Storch, Rodighiero, C. Thompson, R. Thompson, Walker, Lavender-Bowe and Zukoff:

H. B. 4570 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-11G-1, relating to requiring exhibitors of motion pictures who operate two or more theatres in more than one location in this state to provide open captioning during at least two showings per week of each motion picture that is produced and offered with open captioning; and requiring, when requested, audio description be provided for any motion picture that is produced and offered with audio description"; to the Committee on the Judiciary.

By Delegates Campbell, Butler, Hanna, Canestraro, Pack, Hill, Lavender-Bowe, D. Jeffries, D. Kelly, Miller and Lovejoy:

H. B. 4571 - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article designated §17B-2C-1, §17B-2C-2, §17B-2C-3, §17B-2C-4, §17B-2C-5, and §17B-2C-6, all relating to establishing a special plate with a medical condition diagnosis for persons with medical conditions affecting speech, mobility, or other motor functions; providing for a short title; providing for obtaining a medical condition designated driver's license, providing for obtaining a medical condition designated license plate; providing for confidentiality of medical records; providing for rule-making authority; providing for an effective date"; to the Committee on Technology and Infrastructure then Finance.

By Delegate Hill:

H. B. 4572 - "A Bill to amend and reenact §5-16B-6d of the Code of West Virginia, 1931, as amended, relating to the requirement that provider reimbursement schedules shall be no lower than the reimbursement provided for the same services under the plans offered in §5-16-1 *et seq.* of this code"; to the Committee on Health and Human Resources.

By Delegate Hill:

H. B. 4573 - "A Bill to amend and reenact §9-5-11 of the Code of West Virginia, 1931, as amended, relating to Medicaid subrogation liens of the Department of Health and Human Resources; extending the definition of a liable 'third-party' to include certain insurers; establishing notice requirements for claims and civil actions; providing authority for the secretary to negotiate and incentivize Medicaid members to prosecute lawsuits against liable third parties; providing a priority right to the department for subrogation payments; requiring department authorization before finalizing a settlement in certain circumstances; establishing notice, procedure and consent requirements for settlement allocation; setting forth the procedure when the department rejects a settlement allocation; establishing the burden of proof for allocation dispute proceedings; requiring a trial court to consider the department's interests in maximizing recovery in an allocation dispute; requiring a trial court to issue findings of fact and conclusions of law; exempting from this section a final subrogation lien of less than \$1,500; modifying the penalty for failure of recipient's legal representative to notify the department to include interest; and establishing an effective date"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hansen, Skaff, Tomblin, Miller, Bates, Evans, Hornbuckle, Anderson, Cooper, Miley and S. Brown:

H. B. 4574 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §5B-2J-1, §5B-2J-2, §5B-2J-3, §5B-2J-4, §5B-2J-5, §5B-2J-6, and §5B-2J-7, all relating to establishing a program to facilitate the recovery of areas of the state that have been impacted by the reduction of coal production and consumption; providing legislative findings; establishing a Just Transition Office to administer the program; providing for a Just Transition Advisory Committee to study and advise the office; defining terms; requiring submission of plans to the Legislature; providing that certain coal operations and electric utilities provide information to the office relating to job losses when a facility is closing; and providing for expiration of the article"; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

By Delegates Fleischauer, C. Thompson, Walker, Zukoff, Longstreth, Hansen, Hartman, Angelucci, Williams, S. Brown and Hornbuckle:

H. B. 4575 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-13-1, §3-13-2, §3-13-3, §3-13-4, §3-13-5, and §3-13-6, all relating to implementing The Agreement Among the States to Elect the President and Vice President by National Popular Vote; setting forth who may be members to the agreement; establishing the manner of appointing presidential electors in the member states; setting forth the provisions of the agreement that the member states must enact into state law setting forth the responsibilities of certain officials; and defining terms"; to the Committee on the Judiciary then Finance.

By Delegates Shott, Nelson, Lovejoy, Canestraro, Steele and Byrd:

H. B. 4576 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-3-11, relating to establishing a procedure for correcting errors in deeds, deeds of trust and mortgages; providing definitions; establishing that obvious description errors in a recorded deed, deed of trust or mortgage involving the transfer of interest in real property may be corrected by recorded affidavit; requiring that the correction of an obvious description error may not be inconsistent with the recorded property description: establishing that prior to recording a corrective affidavit all interested parties must be notified of the intent to record a corrective affidavit and the right of each party to object; requiring that notice to correct an obvious error, and a copy of the accompanying affidavit must be provided to any owner of adjoining property, each party to the deed, deed of trust or mortgage, and the address for the property needing correction; if a local entity is a party, notice shall be sent to the attorney for the local entity or the local entity; if the state is a party, notice shall be served upon the Attorney General and the state agency that has or had possession of the property; establishing that if there is no objection within 30 days of service upon all designated parties to the deed, pertinent attorneys, the title insurance company and adjoining property owners, the corrective affidavit may be recorded; establishes the contents of the corrective affidavit; establishes the effect of the corrective affidavit once filed; requires a title insurance company to issue an endorsement to reflect the corrective affidavit; requires the clerk to record and index the corrective affidavit in the deed book; establishes that a recorded affidavit is prima facie evidence of the facts stated therein; requires associated costs be paid by the recording party; provides that a person who wrongfully records a corrective deed is liable for actual damage, reasonable costs, and attorney fees; provides that remedies under this section are not exclusive; and provides a format for the corrective affidavit and notice of an intent to correct an obvious description error"; to the Committee on the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 2497, Relating to the whistle-blower law; 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. 47**), and there were—yeas 89, nays 6, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Bartlett, Bibby, Foster, D. Jeffries, Steele and Waxman.

Absent and Not Voting: Boggs, Cowles, Hornbuckle, Mandt and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2497) passed.

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

H. B. 4089, Requiring cursive writing to be taught; 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. 48**), and there were—yeas 87, nays 8, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Barrett, Bates, S. Brown, Espinosa, Fluharty, Higginbotham, McGeehan and Rowe.

Absent and Not Voting: Boggs, Cowles, Hornbuckle, Mandt and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4089) passed.

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

H. B. 4365, Granting of college credit hours for learning English as a second language; on third reading, coming up in regular order, was read a third time.

Delegate Wilson requested to be excused from voting on H. B. 4365 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. 49**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Cowles, Hornbuckle, Mandt and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4365) passed.

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

H. B. 4365 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-14-3, relating to authorizing granting of college credit hours for learning English as a second language; authorizing state higher education institutions to grant college credit hours for English learned as a second language and to accept English learned as a foreign language to satisfy college foreign language requirement; requiring jointly proposed rules to set and identify required test scores."

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

H. B. 4480, Relating to legislative rules for the Higher Education Policy Commission; 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. 50**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Cowles, Hornbuckle, Mandt and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4480) passed.

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

Second Reading

Com. Sub. for S. B. 323, Authorizing Department of Administration promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

Com. Sub. for H. B. 2419, Relating to the authorization to release a defendant or a person arrested upon his or her own recognizance; on second reading, coming up in regular order, was read a second time.

Delegate Canestraro moved to amend the bill on page two, section one-a, lines nineteen through twenty-one, following the word "code" and the semicolon, by inserting the word "or" and striking out lines 20 and 21 in their entirety, and re-lettering subdivision (E) accordingly.

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

The yeas and nays having been ordered, they were taken **(Roll No. 51)**, and there were—yeas 35, nays 60, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Bates, Byrd, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Graves, Hansen, Hartman, Hicks, Higginbotham, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miller, Pushkin, Pyles, Robinson, Rowe, Skaff, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Boggs, Cowles, Hornbuckle, Mandt and Rodighiero.

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

The bill was then ordered to engrossment and third reading.

Delegate Summers asked and obtained unanimous consent to return to further consideration of **Com. Sub. for S. B. 323**.

On motion of Delegate Shott, the bill was amended on page two, section two, line two, by striking out the number "13a" and inserting in lieu thereof the number "5".

The bill was then ordered to third reading.

Com. Sub. for H. B. 2433, Modifying the school calendar to begin not earlier than Labor Day and end prior to Memorial Day; on second reading, coming up in regular order, was read a second time.

On motion of Delegate J. Kelly, the bill was amended on page three, section forty-five, line fiftyseven, by striking out the words "May 31st" and inserting in lieu thereof the words "June 7th".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2877, Relating to charging a fee for parking in an accessible parking space bearing the international symbol of access; on second reading, coming up in regular order, was reading a second time and ordered to engrossment and third reading.

H. B. 4030, Increasing limit for application for original appointment as a firefighter to 40 years of age for honorably discharged veterans; on second reading, coming up in regular order, was reading a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4094, Continuing the Foster Care Ombudsman; on second reading, coming up in regular order, was reading a second time.

On motion of Delegates Pack, Hill and Summers, the bill was amended on page two, section one hundred two, line three, after the word "investigate", by inserting the words "except as provided in §49-9-102(c)" and a comma.

On page three, by striking out subsection (d) in its entirety and re-lettering the remaining subsection, accordingly.

And,

On page three, by inserting a new subsection (e) to read as follows:

"(e) Beginning with the third quarter of 2020, the Foster Care Ombudsman shall submit a written report to the Governor containing:

(1) The number of complaints;

(2) The types of complaints;

(3) The location of the complaints;

(4) How the complaints are resolved;

(5) Any other information the Foster Care Ombudsman feels is appropriate.

(f) Beginning in December 2020, the Foster Care Ombudsman shall summarize the quarterly reports and present that information to the Legislative Oversight Commission on Health and Human Resources Accountability."

The bill was then ordered to engrossment and third reading.

First Reading

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

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

H. B. 4353, Creating a rational nexus requirement between prior criminal conduct and initial licensure decision making,

H. B. 4476, Providing for the timely and efficient collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases,

H. B. 4496, Removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections,

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

And,

H. B. 4510, Prohibiting bodily intrusion by an inmate upon any person at any correctional facility.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Boggs, Cowles, Hornbuckle, Mandt and Rodighiero.

Delegate Wilson inquired of the Chair regarding the extent of legislative immunity, the opening portions of session, and access to the House Chamber.

In response, the Speaker indicated that the question of immunity is a legal question for the court and informed the Delegates that the rear doors of the Chamber will be accessible to Members at all times when the House has been called to order.

Miscellaneous Business

During the floor session and prior to passage, Members asked and obtained unanimous consent to be added as cosponsors of the following bills:

- Delegate C. Thompson for Com. Sub. for H. B. 2497
- Delegates Fast, Linville and Hicks for H. B. 4089

Delegates Staggers and Maynard filed a form with the Clerk's Office to make Delegate Maynard the lead sponsor of H. B. 4123.

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

- Delegate Porterfield for H. B. 3049, H. B. 4375, H. B. 4427, H. B. 4477, H. B. 4484 and H. B. 4356
- Delegate Pyles for H. B. 4432, H. B. 4473, H. B. 4484 and H. B. 4491
- Delegate Bates for H. B. 4502
- Delegate Hansen for H. B. 2149

- Delegate Porterfield for H. B. 4365

- Delegate Pyles for H. B. 4068, H. B. 4471, H. B. 4483, H. B. 4499, H. B. 4525, H. B. 4533 and H. B. 4542
- Delegate C. Thompson for H. B. 3081 and H. B. 4473

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be removed as a cosponsor of the following:

- Delegates Linville and D. Jeffries for H. C. R. 9

At 12:42 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 29, 2020.

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

SPECIAL CALENDAR

Wednesday, January 29, 2020

22nd Day

11:00 A. M.

THIRD READING

- Com. Sub. for S. B. 323 Authorizing Department of Administration promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2419 Relating to the authorization to release a defendant or a person arrested upon his or her own recognizance (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2433 Modifying the school calendar to begin not earlier than Labor Day and end prior to Memorial Day (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2877 Relating to charging a fee for parking in an accessible parking space bearing the international symbol of access (SHOTT) (REGULAR)
- H. B. 4030 Increasing limit for application for original appointment as a firefighter to 40 years of age for honorably discharged veterans (MAYNARD) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4094 Continuing the Foster Care Ombudsman (SHOTT) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 4026 Exempting businesses transporting scrap tires, waste tires, or other used tires, from certain statutory provisions (HOWELL) (REGULAR)
- H. B. 4353 Creating a rational nexus requirement between prior criminal conduct and initial licensure decision making (HOWELL) (REGULAR)
- H. B. 4476 Providing for the timely and efficient collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases (SHOTT) (REGULAR)

Н. В. 4496 -	Removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections (SHOTT) (REGULAR)
Н. В. 4501 -	Relating to the ability to refuse offenders for commitment to a jail (SHOTT) (REGULAR)
H. B. 4510 -	Prohibiting bodily intrusion by an inmate upon any person at any correctional facility (SHOTT) (REGULAR)
FIRST READING	
Com. Sub. for H. B. 2338 -	Allowing the owner of an antique military vehicle to display alternate registration insignia (HOWELL) (REGULAR)
Н. В. 4179 -	Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (HOWELL) (REGULAR)
Н. В. 4359 -	Increasing the filing fees for insurers (WESTFALL) (REGULAR)
Н. В. 4381 -	Relating to lifetime hunting, fishing and trapping licenses for adopted children (ATKINSON) (REGULAR)
Com. Sub. for H. B. 4470 -	Relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services (SHOTT) (REGULAR)

HOUSE CALENDAR

Wednesday, January 29, 2020

22nd 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 H. B. 4096 - Requiring candidates to live in the state or local election district for the office for which they are seeking (SHOTT) (REGULAR)

SECOND READING

H. J. R. 102 - Providing the West Virginia Legislature rulemaking oversight of the board of education (SHOTT)

FIRST READING

Com. Sub. for H. B. 4388 - Limiting the Alcohol Beverage Control Commissioner's authority to restrict advertising (HOWELL) (REGULAR)

WEST VIRGINIA HOUSE OF DELEGATES

WEDNESDAY, JANUARY 29, 2020

HOUSE CONVENES AT 11:00 A.M.

FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES 9:00 A.M. – ROOM 215 E

> TECHNOLOGY AND INFRASTRUCTURE 9:00 A.M. – ROOM 418 M

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

SMALL BUSINESS, ENTREPRENEURSHIP AND ECONOMIC DEVELOPMENT 1:00 p.m. – Room 215 E

> SENIOR, CHILDREN, AND FAMILY ISSUES 3:00 p.m. – Room 215 E

> > COMMITTEE ON THE JUDICIARY 5:00 p.m. – ROOM 418 M

> > > COMMITTEE ON FINANCE 5:00 p.m. – ROOM 215 E

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