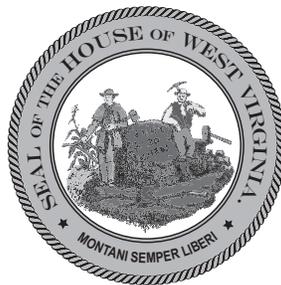


West Virginia Legislature

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March 2, 2020
FIFTY-FIFTH DAY

Monday, March 2, 2020

FIFTY-FIFTH 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 Saturday, February 29, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Finance has had under consideration:

H. B. 4975, Making a supplementary appropriation to the School Building Authority, Debt Service Fund,

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

Com. Sub. for H. B. 4975 - "A Bill supplementing and amending by decreasing an existing item of appropriation and adding a new item of appropriation for expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, Lottery Net Profits, to the State Department of Education, School Building Authority, fund 3963, fiscal year 2020, organization 0402 by supplementing and amending Chapter 31, Acts of the Legislature, Regular Session, 2019, known as the budget bill for the fiscal year ending June 30, 2020,"

And,

H. B. 4976, Making a supplementary appropriation to the School Building Authority,

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

Com. Sub. for H. B. 4976 - "A Bill supplementing and amending by decreasing an existing item of appropriation and adding a new item of appropriation for expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, State Excess Lottery Revenue Fund, to the State Department of Education, School Building Authority, Fund 3514, fiscal year 2020, organization 0402 by supplementing and amending Chapter 31, Acts of the Legislature, Regular Session, 2019, known as the budget bill for the fiscal year ending June 30, 2020,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Finance has had under consideration:

S. B. 654, Allowing certain sheriffs transfer from PERS to Deputy Sheriff Retirement System,

Com. Sub. for S. B. 729, Relating to awards and disability under Deputy Sheriff Retirement Act,

And,

Com. Sub. for S. B. 793, Relating to B&O taxes imposed on certain coal-fired electric generating units,

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

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

Your Committee on Education has had under consideration:

S. B. 691, Limiting programs adopted by State Board of Education,

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

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

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 707, Relating to nursing career pathways,

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

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

Your Committee on Education has had under consideration:

S. B. 723, Requiring Department of Education develop plan based on analyzed data on school discipline,

And,

S. B. 839, Creating State Advisory Council on Postsecondary Attainment Goals,

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

Delegate Hill, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

S. B. 830, Eliminating special merit-based employment system for health care professionals,

And,

S. B. 846, Requiring hospital publish notification prior to facility closure regarding patient medical records,

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

Delegate Hill, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

Com. Sub. for S. B. 648, Providing dental coverage for adult Medicaid recipients,

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. 648) was referred to the Committee on Finance.

Delegate Hill, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

Com. Sub. for S. B. 716, Requiring DHHR pay for tubal ligation without 30-day wait between consent and sterilization,

Com. Sub. for S. B. 762, Creating Preserving Patient Stability Act of 2020,

And,

Com. Sub. for S. B. 820, Authorizing DHHR transfer comprehensive community mental health centers and intellectual disability facilities to regional centers and facilities,

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

In accordance with the former direction of the Speaker, the bills (Com. Sub. for S. B. 716, Com. Sub. for S. B. 762 and Com. Sub. for S. B. 820) were each referred to the Committee on Finance.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 4437, Relating to the West Virginia Pay Card program.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 4513, Increasing the replacement costs required of a person causing injury or death of game or protected species.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage a bill of the House of Delegates, as follows:

H. B. 4582, Declaring certain claims against agencies of the state to be moral obligations of the state.

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. 150 - "A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution."

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 150) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the title amendment of the House of Delegates and the passage, as amended, of

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had concurred in the changed effective date, to take effect from passage, of

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 571, Expiring funds from State Excess Lottery Revenue Fund to various accounts.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had concurred in the changed effective date, to take effect from passage, of

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

A message from the Senate, by

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

Com. Sub. for S. B. 661 - "A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to replacing minimum minutes of instructional time required per day with a requirement for an average of five hours per day throughout the instructional term; and requiring county boards of education to provide public notice of public hearings for discussing the school calendar by publishing prominently on the board's website in addition to publishing in a local newspaper of general circulation in the area"; which was referred to the Committee on Finance then Education.

Resolutions Introduced

Delegates Sypolt, Williams, Walker, Pyles and Jennings offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 16 - "Urging Congress to allow vehicles traveling on interstate highways in West Virginia to have the same maximum gross vehicle weight and axle configuration as currently permissible for vehicles traveling on U.S. routes in West Virginia."

Whereas, Federal law currently imposes a maximum gross vehicle weight of 80,000 pounds on interstate highways, without any tolerance, and with axle weight restrictions and the bridge formula often reducing such maximum weight; and

Whereas, West Virginia also has an 80,000-pound maximum gross vehicle weight limit, but permits a 10-percent tolerance, raising the permissible maximum weight to 88,000 pounds; and

Whereas, Vehicles transporting commodities through West Virginia often reach our state on interstate highways, but leave the interstate highways system and switch to West Virginia's local roads, taking advantage of the higher weight limit on such routes; and

Whereas, Such practice increases traffic on West Virginia's mountainous country roads, raises safety concerns, and limits economic avenues; and

Whereas, Interstates could safely support the same weight restrictions as those on U.S. routes in West Virginia given that the design standards used for both systems are identical and the weight increase would be minimal; and

Whereas, The West Virginia Department of Transportation, Division of Highways, is poised to address any questions Congress or the U.S. Department of Transportation, Federal Highway Administration, may have to demonstrate the feasibility of this request; and

Whereas, Providing an exception to the existing weight limits and restrictions in Title 23 of the United States Code, including the bridge formula, for vehicles operating on interstate highways in West Virginia will allow more vehicles to travel the safer interstate highways and expand economic access throughout West Virginia; and

Whereas, Congress has previously provided exceptions to the maximum gross vehicle weight on interstate highways for several states of the United States; therefore, be it

Resolved by the House of Delegates:

That Congress is urged to allow vehicles traveling on interstate highways in West Virginia to have the same maximum gross vehicle weight and axle configuration as currently permissible for vehicles traveling on U.S. routes in West Virginia; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, and to the members of West Virginia's congressional delegation.

Delegates Sponaugle, Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Staggers, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 17 - "Expressing the disapproval of the House of Delegates to State Attorney General Patrick Morrissey for his repetitive attempts to undermine affordable healthcare coverage for West Virginians."

Whereas, Approximately 800,000 West Virginians are currently living with a pre-existing condition such as asthma, diabetes, cancer, or high blood pressure; and

Whereas, More West Virginians under the age of 65 have a pre-existing condition than any other state in the union; and

Whereas, Prior to the implementation of the Affordable Care Act, insurance companies were permitted to decide which West Virginians should have access to affordable health insurance; and

Whereas, Prior to the implementation of the Affordable Care Act, West Virginians could be denied healthcare coverage based on having a pre-existing condition; and

Whereas, Since the Affordable Care Act was implemented, approximately 150,000 West Virginians have gained lifesaving healthcare coverage through the Affordable Care Act's Medicaid expansion provision; and

Whereas, West Virginia receives over \$1 billion annually in medical services due to the Affordable Care Act; and

Whereas, West Virginians receive over \$162 million in federal subsidies to keep their health insurance premiums low; and

Whereas, Access to affordable healthcare and the protections offered to West Virginians hangs in the balance as the courts continue to review the case of TEXAS V. AZAR; and

Whereas, West Virginia Attorney General Patrick Morrisey, in his official capacity on behalf of West Virginians, is attempting to strip their access to affordable healthcare and protections through his actions in opposition to the Affordable Care Act and participation in TEXAS V. AZAR; and

Whereas, Attorney General Patrick Morrisey has endorsed passage of Senate Bill 284 – the West Virginia Healthcare Continuity Act in lieu of the Affordable Care Act; and

Whereas, The West Virginia Healthcare Continuity Act fails to account for over \$1 billion in federal funding West Virginia receives annually; and

Whereas, The West Virginia Health Care Continuity Act fails to compensate West Virginians who receive over \$162 million in federal subsidies to keep their health insurance premiums low; and

Whereas, The repeal of the Affordable Care Act through Morrisey's lawsuit, West Virginia would lose approximately 17,000 healthcare-related jobs, resulting in a 2.3 percent reduction in West Virginia's annual GDP; and

Whereas, The West Virginia Healthcare Continuity Acts fails to compensate both the State of West Virginia and West Virginians for the loss of \$1 billion annually in medical services and premium hikes; and

Whereas, The House of Delegates stands with West Virginians and supports access to affordable healthcare, protections to West Virginians with pre-existing conditions, fiscal responsibility, and the preservation of good-paying jobs, therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby disapproves of State Attorney General Patrick Morrisey for his repetitive attempts to undermine affordable healthcare coverage for West Virginians; and, be it

Further Resolved, That the House of Delegates hereby requests that State Attorney General Patrick Morrisey dismisses West Virginia as a Plaintiff in the case of TEXAS V. AZAR; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to State Attorney General Patrick Morrisey.

Delegates Hill and Pack offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 131 – “Requesting a study to research the obstacles preventing private school students from attending vocational school in West Virginia with their public school and home school peers.”

Whereas, Evidence from national studies shows clearly that the need to increase the number of Americans who hold post-secondary credentials has reached a critical point; and

Whereas, According to Complete College America, the United States has fallen from first among nations to tenth in the percentage of young adults with a college degree; and

Whereas, In West Virginia, the large numbers of high school students who are uninterested and/or unprepared for college can be attributed to: lack of alignment in courses between public education and public colleges and universities, lack of clear career pathways presented to students early enough to help them choose a career path to pursue from high school through secondary education,

and lack of knowledge among students and parents about financial aid opportunities that can help them and their families defray the cost of attending college; and

Whereas, Approximately 63 percent of available jobs require post-secondary education; and

Whereas, Currently, a severe gap exists between the demands for technically skilled workers in West Virginia and the aspirations and programmatic focus of many of our students; and

Whereas, A great way to promote this focus on career goals among students in West Virginia is the collaboration that currently exists between public schools, home schools, public community and technical colleges, vocational schools, and public school career centers; and

Whereas, Students who attend private school should be presented with the same alignment of high school coursework to that of public colleges and universities, be presented with clear career pathways to help them choose a career path to pursue from high school through secondary education, and have the same knowledge of financial aid opportunities to vocational schools, technical colleges, and universities in the Mountain State as those who attend public schools and home schools; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance conduct a study to research the obstacles preventing private school students from attending vocational school in West Virginia with their public school and home school peers; 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 a study, prepare reports, and draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

And,

Delegates Hill and Pack offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 132 – “Requesting the Joint Committee on Government and Finance to conduct a study to consider the Icelandic Model for substance use prevention for adolescents throughout the State of West Virginia.”

Whereas, West Virginia currently has the highest age-adjusted rate of drug overdose deaths involving opioids; and

Whereas, West Virginia’s children and adolescents are the most vulnerable witnesses of the state’s drug crisis; and

Whereas, The Icelandic Model is a theoretically grounded, evidence-based approach to community adolescent substance use prevention that has grown out of collaboration between policy makers, behavioral scientists, field-based practitioners, and community residents; and

Whereas, The intervention focuses on reducing known risk factors for substance use, while strengthening a broad range of parental, school, and community protective factors; and

Whereas, Data suggests that the Icelandic adolescent substance use prevention approach successfully strengthened a broad range of parental, school, and community protective factors; and

Whereas, A growing body of research underscores the importance of the peer group and organization of adolescent leisure activities in the formation of adolescent society and lifestyle; and

Whereas, The Icelandic Model is currently being piloted in Wyoming and Fayette Counties; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance conduct a study to better understand the potential that the Icelandic Model could have in addressing the critical need for substance use prevention for adolescents of West Virginia, and to conduct a comparative analysis of the effects of the pilot program in Wyoming and Fayette Counties; 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 a study, prepare reports, and draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Special Calendar

Third Reading

Com. Sub. for S. B. 6, Allowing DOH issue permits for certain tractors with certain trailers not exceeding specified maximum axle weights; 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. 437**), and there were—yeas 65, nays 33, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Azinger, Barrett, Bates, Bibby, N. Brown, Butler, Cadle, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hicks, Hornbuckle, Kump, Lavender-Bowe, Little, Longstreth, Lovejoy, C. Martin, P. Martin, Miley, Miller, Pushkin, Pyles, Rowe, Storch, Swartzmiller, Williams and Zukoff.

Absent and Not Voting: Kessinger and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 6) passed.

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

Com. Sub. for S. B. 96, Prohibiting municipalities from limiting persons' rights to possess certain weapons; 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. 438**), and there were—yeas 81, nays 17, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Angelucci, Bates, Byrd, Caputo, Doyle, Fleischauer, Hansen, Hornbuckle, Longstreth, Miley, Pushkin, Pyles, Rowe, Shott, Skaff, Walker and Williams.

Absent and Not Voting: Kessinger and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 96) passed.

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

Com. Sub. for S. B. 201, Relating generally to criminal offenses of stalking and harassment; 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. 439**), and there were—yeas 95, nays 3, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Cadle, Foster and McGeehan.

Absent and Not Voting: Kessinger and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 201) passed.

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

Com. Sub. for S. B. 232, Removing outdated prohibitions against electronic or mechanical ticket dispensers and readers; 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. 440**), and there were—yeas 92, nays 6, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Butler, Cadle, Fast, D. Jeffries, Kump and Porterfield.

Absent and Not Voting: Kessinger and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 232) passed.

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

S. B. 562, Expunging certain criminal convictions; 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. 441**), and there were—yeas 91, nays 6, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Butler, Cadle, Foster, Hicks, Jennings and Steele.

Absent and Not Voting: Azinger, Kessinger and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 562) passed.

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

Com. Sub. for S. B. 649, Permitting county emergency phone system directors negotiate contracts for mobile phones; 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. 442**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Cowles.

Absent and Not Voting: Azinger, Kessinger and Wilson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 649) passed.

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

S. B. 651, Relating to definition of “mortgage loan originator”; 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.

At 12:21 p.m., on motion of Delegate Summers, the House of Delegates recessed for ten minutes.

Reordering of the Calendar

Delegate Summers announced changes to the Calendar. Pursuant to the action of the Committee on Rules, Com. Sub. for S. B. 175, Com. Sub. for S. B. 230, Com. Sub. for S. B. 261, Com. Sub. for S. B. 288, S. B. 289, Com. Sub. for S. B. 303, Com. Sub. for S. B. 491, S. B. 510, Com. Sub. for S. B. 530, Com. Sub. for S. B. 575, S. B. 641, S. B. 647, Com. Sub. for S. B. 689, Com. Sub. for S. B. 692, Com. Sub. for S. B. 746, S. B. 747, S. B. 748, Com. Sub. for S. B. 749, Com. Sub. for S. B. 751, S. B. 767, Com. Sub. for S. B. 770, S. B. 838, S. B. 851 and Com. Sub. for H. B. 4021, on Second Reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for S. B. 195, Com. Sub. for S. B. 213, S. B. 322, Com. Sub. for S. B. 615, Com. Sub. for S. B. 660, Com.

Sub. for S. B. 670, Com. Sub. for S. B. 690, Com. Sub. for S. B. 722 and Com. Sub. for S. B. 738, on First Reading, Special Calendar, had been transferred to the House Calendar.

Special Calendar

Second Reading

Com. Sub. for S. B. 125, Prohibiting victim from being subjected to certain physical examinations for sexual offenses; on second reading, coming up in regular order, was read a second time.

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

“ARTICLE 8B. SEXUAL OFFENSES.

§61-8B-11. Sexual offenses; evidence.

(a) In any prosecution under this article in which the victim’s lack of consent is based solely on the incapacity to consent because such victim was below a critical age, evidence of specific instances of the victim’s sexual conduct, opinion evidence of the victim’s sexual conduct, and reputation evidence of the victim’s sexual conduct shall not be admissible. In any other prosecution under this article, evidence of specific instances of the victim’s prior sexual conduct with the defendant shall be admissible on the issue of consent: *Provided*, That such evidence heard first out of the presence of the jury is found by the judge to be relevant.

(b) In any prosecution under this article evidence of specific instances of the victim’s sexual conduct with persons other than the defendant, opinion evidence of the victim’s sexual conduct, and reputation evidence of the victim’s sexual conduct shall not be admissible: *Provided*, That such evidence shall be admissible solely for the purpose of impeaching credibility, if the victim first makes his or her previous sexual conduct an issue in the trial by introducing evidence with respect thereto.

(c) In any prosecution under this article, neither age nor mental capacity of the victim shall preclude the victim from testifying.

(d) At any stage of the proceedings, in any prosecution under this article, the court may permit a child who is 11 years old or less to use anatomically correct dolls, mannequins, or drawings to assist such child in testifying.

(e)(1) A court may not order or otherwise require an alleged victim in a prosecution for a sexual offense to submit to or undergo a gynecological or physical examination of the breasts, buttocks, anus, or any part of the sex organs.

(2) The refusal of an alleged victim to undergo an examination described in subdivision (1) of this subsection may not serve as the basis to exclude evidence obtained from other relevant examinations of the victim, except where constitutionally required.

(3) For the purposes of this subsection, the term ‘sexual offense’ means any offense in which sexual intercourse, sexual contact, or sexual intrusion is an element of the offense, and includes any prosecution under this article, §61-8-12, or §61-8D-5 of this code.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 144, Creating misdemeanor penalty for making materially false statement in course of misdemeanor investigation; on second reading, coming up in regular order, was read a second time.

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

“ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.

§61-5-17. Obstructing officer; fleeing from officer; making false statements to officer; interfering with emergency communications; penalties; definitions.

(a) A person who by threats, menaces, acts, or otherwise forcibly or illegally hinders or obstructs or attempts to hinder or obstruct a law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, or a full-time deputy or assistant fire marshal acting in his or her official capacity is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500 or confined in jail not more than one year, or both fined and confined.

(b) A person who intentionally disarms or attempts to disarm a law-enforcement officer, correctional officer, probation officer, parole officer, courthouse security officer, the State Fire Marshal, or a full-time deputy or assistant fire marshal acting in his or her official capacity is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than one nor more than five years.

(c) A person who, with intent to impede or obstruct a law-enforcement officer, the State Fire Marshal or a full-time deputy or assistant fire marshal in the conduct of an investigation of a misdemeanor or felony offense, knowingly and willfully makes a materially false statement is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$200, or confined in jail for five days, or both fined and confined. The provisions of this section do not apply to statements made by a spouse, parent, stepparent, grandparent, sibling, half-sibling, child, stepchild or grandchild, whether related by blood or marriage, of the person under investigation. Statements made by the person under investigation may not be used as the basis for prosecution under this subsection. For purposes of this subsection, 'law-enforcement officer' does not include a watchman, a member of the West Virginia State Police or college security personnel who is not a certified law-enforcement officer. A criminal charge under this subsection relating to the investigation of a misdemeanor offense may not be used to seek or support a secured bond or pre-trial incarceration.

(d) A person who intentionally flees or attempts to flee by any means other than the use of a vehicle from a law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, or a full-time deputy or assistant fire marshal acting in his or her official capacity who is attempting to make a lawful arrest of or to lawfully detain the person, and who knows or reasonably believes that the officer is attempting to arrest or lawfully detain him or her, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500 or confined in jail not more than one year, or both fined and confined.

(e) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer, or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop is guilty of a misdemeanor and, upon

conviction thereof, shall be fined not less than \$500 nor more than \$1,000 and shall be confined in jail not more than one year.

(f) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer, or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who operates the vehicle in a manner showing a reckless indifference to the safety of others, is guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$2,000 and shall be imprisoned in a state correctional facility not less than one nor more than five years.

(g) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer, or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who causes damage to the real or personal property of a person during or resulting from his or her flight, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$3,000 and shall be confined in jail for not less than six months nor more than one year.

(h) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer, or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who causes bodily injury to a person during or resulting from his or her flight, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than three nor more than 10 years.

(i) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer, or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who causes death to a person during or resulting from his or her flight, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than five nor more than 15 years. A person imprisoned pursuant to this subsection is not eligible for parole prior to having served a minimum of three years of his or her sentence or the minimum period required by §62-12-13 of this code, whichever is greater.

(j) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement officer, probation officer, or parole officer acting in his or her official capacity after the officer has given a clear visual or audible signal directing the person to stop, and who is under the influence of alcohol, controlled substances, or drugs, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than three nor more than 10 years.

(k) For purposes of this section, the term 'vehicle' includes any motor vehicle, motorcycle, motorboat, all-terrain vehicle, or snowmobile as those terms are defined in §17A-1-1 of this code, whether or not it is being operated on a public highway at the time and whether or not it is licensed by the state.

(l) For purposes of this section, the terms 'flee', 'fleeing', and 'flight' do not include a person's reasonable attempt to travel to a safe place, allowing the pursuing law-enforcement officer to maintain appropriate surveillance, for the purpose of complying with the officer's direction to stop.

(m) The revisions to subsections (e), (f), (g), and (h) of this section enacted during the 2010 regular legislative session shall be known as the Jerry Alan Jones Act.

(n) (1) No person, with the intent to purposefully deprive another person of emergency services, may interfere with or prevent another person from making an emergency communication, which a reasonable person would consider necessary under the circumstances, to law-enforcement, fire, or emergency medical services personnel.

(2) For the purpose of this subsection, the term 'interfere with or prevent' includes, but is not limited to, seizing, concealing, obstructing access to or disabling or disconnecting a telephone, telephone line, or equipment or other communication device.

(3) For the purpose of this subsection, the term 'emergency communication' means communication to transmit warnings or other information pertaining to a crime, fire, accident, power outage, disaster, or risk of injury or damage to a person or property.

(4) A person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for a period of not less than one day nor more than one year or shall be fined not less than \$250 nor more than \$2,000, or both fined and confined.

(5) A person who is convicted of a second offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than three months nor more than one year or fined not less than \$500 nor more than \$3,000, or both fined and confined.

(6) A person who is convicted of a third or subsequent offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not less than six months nor more than one year or fined not less than \$500 nor more than \$4,000, or both fined and confined.

(7) In determining the number of prior convictions for purposes of imposing punishment under this subsection, the court shall disregard all such prior convictions occurring more than 10 years prior to the offense in question.

(o) A person is guilty of filing a false complaint against a law-enforcement officer when, knowing the information reported is false or baseless, he or she:

(1) Initiates a false complaint of improper action of a law enforcement officer relating to an incident or other circumstance; or

(2) Reports, by word or action, to any official or quasi-official agency or organization having the function of dealing with conduct of law-enforcement officers which did not occur, does not in fact exist; or

(3) Reports to a law enforcement officer or agency the alleged occurrence of any offense or incident which did not in fact occur.

Any person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail not more than six months, or both fined and confined."

The bill was then ordered to third reading.

Com. Sub. for S. B. 163, Relating to municipal or county taxation of hotel rooms booked through marketplace facilitator; on second reading, coming up in regular order, was read a second time.

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

"ARTICLE 18. HOTEL OCCUPANCY TAX.

§7-18-3. Definitions.

For the purposes of this article:

(a) 'Consideration paid' or 'consideration' means the amount received in money, credits, property, or other consideration for, or in exchange for, the right to occupy a hotel room as herein defined.

(b) 'Consumer' means a person who pays the consideration for the use or occupancy of a hotel room. The term 'consumer' does not mean the government of the United States of America, its agencies or instrumentalities, or the government of the State of West Virginia or political subdivisions thereof.

(c) 'Hotel' means any facility, building, or buildings, publicly or privately owned (including a facility located in a state, county, or municipal park), in which the public may, for a consideration, obtain sleeping accommodations. The term includes, but is not limited to, boarding houses, hotels, motels, inns, courts, condominiums, lodges, cabins, and tourist homes. The term 'hotel' includes state, county, and city parks offering accommodations as herein set forth. The term 'hotel' does not mean a hospital, sanitarium, extended care facility, nursing home, or university or college housing unit, or any facility providing fewer than three rooms in private homes, not exceeding a total of 10 days in a calendar year, nor any tent, trailer, or camper campsites: *Provided*, That where a university or college housing unit provides sleeping accommodations for the general nonstudent public for a consideration, the term 'hotel' does, if otherwise applicable, apply to those accommodations for the purposes of this tax.

(d) 'Hotel operator' means the person who is proprietor of a hotel, whether in the capacity of owner, lessee, mortgagee in possession, licensee, trustee in possession, trustee in bankruptcy, receiver, executor, or in any other capacity. Where the hotel operator performs his or her functions through a managing agent of any type or character other than an employee, the managing agent is a hotel operator for the purposes of this article and has the same duties and liabilities as his or her principal. Compliance with the provisions of this article by either the principal or the managing agent is, however, considered to be compliance by both.

(e) 'Hotel room' means any room or suite of rooms or other facility affording sleeping accommodations to the general public and situated within a hotel. The term 'hotel room' does not include:

(1) A banquet room, meeting room, or any other room not primarily used for, or in conjunction with, sleeping accommodations; or

(2) Sleeping accommodations rented on a month-to-month basis or other rental arrangement for 30 days or longer at the inception at a boarding house, condominium, cabin, tourist home, apartment, or home.

(3) Sleeping accommodations rented by a hotel operator to those persons directly employed by the hotel operator for the purposes of performing duties in support of the operation of the hotel or related operations.

(f) 'Marketplace facilitator' shall have the same meaning as stated in W. Va. Code §11-15A-1(b)(8).

(f) (g) 'Person' means any individual, firm, partnership, joint venture, association, syndicate, social club, fraternal organization, joint stock company, receiver, corporation, guardian, trust, business trust, trustee, committee, estate, executor, administrator, or any other group or combination acting as a unit.

~~(g)~~ (h) 'State park' means any state-owned facility which is part of this state's park and recreation system established pursuant to this code. For purposes of this article, any recreational facility otherwise qualifying as a 'hotel' and situated within a state park is considered to be solely within the county in which the building or buildings comprising the facility are physically situated, notwithstanding the fact that the state park within which the facility is located may lie within the jurisdiction of more than one county.

~~(h)~~ (i) 'Tax', 'taxes', or 'this tax' means the hotel occupancy tax authorized by this article.

~~(i)~~ (j) 'Taxing authority' means a municipality or county levying or imposing the tax authorized by this article.

~~(j)~~ (k) 'Taxpayer' means any person liable for the tax authorized by this article.

§7-18-4. Consumer to pay tax; hotel or hotel operator not to represent that it will absorb tax; accounting by hotel and marketplace facilitators.

(a) The consumer shall pay to the hotel operator the amount of tax imposed by any municipality or county hereunder, which tax shall be added to and shall constitute a part of the consideration paid for the use and occupancy of the hotel room, and which tax shall be collectible as such by the hotel operator who shall account for, and remit to the taxing authority, all taxes paid by consumers. The hotel operator shall separately state the tax authorized by this article on all bills, invoices, accounts, books of account and records relating to consideration paid for occupancy or use of a hotel room. The hotel operator may commingle taxes collected hereunder with the proceeds of the rental of hotel accommodations unless the taxing authority shall, by ordinance, order, regulation or otherwise require in writing the hotel operator to segregate such taxes collected from such proceeds. The taxing authority's claim shall be enforceable against, and shall be superior to, all other claims against the moneys so commingled excepting only claims of the state for moneys held by the hotel pursuant to the provisions of article fifteen, chapter eleven of this code. All taxes collected pursuant to the provisions of this article shall be deemed to be held in trust by the hotel until the same shall have been remitted to the taxing authority as hereinafter provided.

(b) Where a hotel or hotel operator contracts with a marketplace facilitator to offer the use or occupancy of a hotel room, such marketplace facilitator shall be responsible, on behalf of the hotel or hotel operator, for the collection and remittance of the tax imposed by any municipality or county hereunder. The marketplace facilitator shall separately state the tax authorized by this article on all bills, invoices, accounts, books of account, and records relating to consideration paid for the occupancy or use of a hotel room. All taxes collected pursuant to the provisions of this article shall be deemed to be held in trust by the marketplace facilitator, on behalf of the hotel or hotel operator, until the same has been remitted by the marketplace facilitator to the State Tax Division as hereinafter provided. Nothing in this paragraph shall be construed to interfere with the ability of a marketplace facilitator and a hotel or hotel operator to enter into an agreement regarding fulfillment of the requirements of this chapter.

~~(b)~~ (c) A hotel or hotel operator shall not represent to the public in any manner, directly or indirectly, that it will absorb all or any part of the tax or that the tax is not to be considered an element in the price to be collected from the consumer."

The bill was then ordered to third reading.

Com. Sub. for S. B. 208, Protecting consumers from unfair pricing practices during state of emergency; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 545, Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund; on second reading, coming up in regular order, was read a second time. An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the on page two, section sixteen, line twenty-three, following the subsection designation "(e)", by striking out the word "The" and inserting in lieu thereof the words "During the fiscal years beginning July 1, 2019, and July 1, 2020, the".

The bill was then ordered to third reading.

S. B. 569, Expiring funds from various accounts to DHHR, Medical Services Program Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 570, Expiring funds from State Excess Lottery Revenue Fund to DHHR, Medical Services Program Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 583, Creating program to further development of renewable energy resources; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, amending the bill on page seven, section one-o, beginning on line one hundred fifty-three, by striking out subdivision five in its entirety and inserting in lieu thereof a revised subdivision (5) to read as follows:

"(5) The renewable electric generating facilities, energy storage resources, or both, constructed, purchased, contracted, owned, installed, and in service pursuant to an application approved by the commission shall be considered used and useful for rate recovery purposes. Any concurrent cost recovery mechanism approved by the Commission shall limit the amount of cost to be recovered from any individual customer of the electric utility to a maximum of \$1,000 per month; provided That this limitation shall not impact the electric utility's ability to recover all costs incurred pursuant to this section from other customers. Customers who have executed renewable special contracts or are taking power under renewable tariffs pursuant to an approved renewable electric facilities program are not subject to any such limits imposed by the Commission."

Delegate P. Martin moved to amend the bill on page eight, section one-o(i), line one hundred seventy, by inserting the following new subdivision:

"(7) Notwithstanding any provision of this section to the contrary, only those prospective residential or commercial voluntary consumers of solar generated electricity, as provided for herein, shall be assessed the appropriate rate increases to provide for the construction and operation of said solar facility".

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. 443**), and there were—yeas 37, nays 60, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Azinger, Barnhart, Bartlett, Bibby, N. Brown, Butler, Cadle, Campbell, Canestraro, Criss, Dean, Ellington, Fast, Foster, Hicks, Householder, J. Jeffries, Lavender-Bowe, Little, Lovejoy, C. Martin, P. Martin, Maynard, McGeehan, Miley, Paynter, Phillips, Porterfield, Robinson, Rodighiero, Rohrbach, Rowan, Swartzmiller, R. Thompson, Tomblin, Toney and Waxman.

Absent and Not Voting: Graves, Kessinger and Wilson.

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

Delegate Paynter moved to amend the bill on page five, section 24-2-1o(d), line eight-eight, by inserting the following new subdivision:

“(8) All physical components of the renewable electric-generating facility, including the solar photovoltaic infrastructure, or other portions of the electrical generating array, shall be made or assembled in the United States of America.”

During debate, Delegate Cadle raised a point of order regarding the content of the questions of Delegate Steele to Delegate Paynter. The Speaker replied that the amendment deals with the limited purposes of the bill and sustained the point of order.

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. 444**), and there were—yeas 41, nays 56, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Azinger, Barrett, Bartlett, Bates, Bibby, Boggs, N. Brown, S. Brown, Butler, Cadle, Campbell, Canestraro, Caputo, Dean, Diserio, Fast, Fluharty, Hicks, Hornbuckle, J. Jeffries, Lavender-Bowe, Longstreth, Lovejoy, C. Martin, P. Martin, Maynard, McGeehan, Miller, Paynter, Phillips, Porterfield, Robinson, Rodighiero, Rohrbach, Sponaugle, Swartzmiller, C. Thompson, R. Thompson, Tomblin and Toney.

Absent and Not Voting: Graves, Kessinger and Wilson.

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

On motion of Delegate J. Kelly, the bill was amended on page nine, section one-o, after line one hundred eighty-seven, by inserting a new subsection (n) to read as follows:

“(n) Notwithstanding the provisions of §24-2-11c of this code, any person or entity (1) who is not an electric utility; (2) who intends to purchase or construct and operate an electric generating facility as an exempt wholesale generator under federal law; (3) who will generate electricity solely through solar photovoltaic or other solar methods; and (4) who, if desired, intends to purchase or construct and operate energy storage for such electricity may file an application with the Public Service Commission under this section in such detail and with such publication requirements as the commission may prescribe; and the commission shall hold a hearing, unless waived, within 90 days of publication and issue a final order on a siting certificate or modification thereof within 150 days of the application filing date. No other provision of this section shall apply to these exempt wholesale generators.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 705, Allowing military veterans with certain experience qualify for examination as electrician or plumber; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 803, Supplemental appropriation of money out of General Revenue Fund to DHHR; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 804, Supplemental appropriation of moneys from Treasury to PSC, Consumer Advocate Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 805, Supplemental appropriation of moneys from Treasury to WV Commuter Rail Access Fund; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 806, Supplemental appropriation out of federal funds in Treasury to DOT; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 812, Supplemental appropriation from Lottery Net Profits to Bureau of Senior Services; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page two, following line fifteen, by inserting the following:

“From the above appropriation for In-Home Services and Nutrition for Senior Citizens (fund 5405, appropriation 91700), \$1,500,000 shall be utilized for congregate and home delivered nutrition meal reimbursement rate increases and \$1,500,000 shall be utilized for the nutrition home delivered meal program wait list.”

The bill was then ordered to third reading.

First Reading

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

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

Com. Sub. for S. B. 490, Relating to criminal offenses against agricultural facilities,

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

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

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

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

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

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

And,

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

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Kessinger and Wilson.

At 2:12 p.m., the House of Delegates recessed until 6:00 p.m.

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Evening Session

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

At the request of Delegate Summers, and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Committee Reports

On motion for leave the following resolutions were introduced (Originating in the Committee on Health and Human Resources 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 Hill and Pack:

H. C. R. 133 – “Requesting a study of involuntary commitment practices for persons suffering from severe psychiatric illnesses,”

Whereas, Those with the most severe mental illnesses frequently go without needed care, leading to dire consequences for them, their families, and society at large.

Whereas, Efforts to make needed reforms are complicated by the fact that the United States does not possess one uniform mental health system, and responsibility falls to the fifty states and assorted local governments.

Whereas, Each political subdivision has their own unique laws, regulations, policies, budgetary restrictions, and politics that contemporaneously influence the administration of our national mental health system.

Whereas, The system in each state is vastly different from its neighbors and the treatment of an individual for acute psychiatric crisis or chronic psychiatric disease is almost entirely dependent on the state they are in when they experience this crisis.

Whereas, The involuntary commitment treatment and hospitalization of a person for a psychiatric illness is complicated and involves the judicial system, medical professionals, and recovery practices.

Whereas, West Virginia, among a ranking of states, is substantially less well-suited to timely and sufficiently provide for the evaluation and treatment of is affected citizens.

Whereas, Our neighboring states are significantly better situated to deal with the psychiatric needs its citizens, and West Virginia is among the bottom fifth of states in regard to availability of care and quality of services provided.

Whereas, It is recommended that West Virginia adopt a psychiatric deterioration standard for involuntary hospitalization, that West Virginia provides additional procedural detail, that it require periodic reporting to the court, that it codifies the process for the renewal of an order, and that it requires a written treatment plan be submitted to the court.

Whereas, West Virginia has civil commitment laws that establish criteria for determining when involuntary treatment is appropriate for individuals with severe mental illness who cannot seek care voluntarily, and it is our duty to research and strengthen our policies to provide the best care possible to those afflicted with mental illness; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance conduct a comprehensive, holistic study of the current state of the involuntary hospitalization practices in the state to determine deficiencies, shortcomings, improvements, and best practices that will align the state with those whose systems are ranked above ours in terms of quality of care, due process, and transparency.

Such a study should include emergency hold durations, quality of criteria for psychiatric deterioration, inpatient criteria for psychiatric deterioration, procedures to guide practitioners, duration of initial order, and other areas where the state is lacking substantial standards and procedures; and, be it

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

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

By Delegates Hill and Pack:

H. C. R. 134 – “Requesting a study to determine the usage and whereabouts of federal money allocated to the state of West Virginia for the purpose of prevention and treatment efforts regarding the State opioid crisis,”

Whereas, West Virginia has seen a five-fold increase in the amount of federal funding to fight the opioid crisis; and

Whereas, West Virginia received \$28,027,511 from the U.S. Department of Health and Human Services in 2019 as part of the State Opioid Response (SOR) grants program through the Substance Abuse and Mental Health Services Administration (SAMHSA); and

Whereas, West Virginia received \$14,000,000 from the U.S. Department of Health and Human Services to use for medication-assisted treatment to assist drug abusers in stepping down from heroin and other strong opioids; and

Whereas, A grant from the Centers for Disease Control (CDC) totaling \$7,357,388 was awarded to the state and local agencies to more quickly and effectively track overdose data over the next three years; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance conduct a comprehensive study of the current federal allocations towards the state opioid epidemic, the outcome from programs that received said federal funds, and the proposed plan for these funds moving forward; and, be it

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

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

By Delegates Hill and Pack:

H. C. R. 135 – “Requesting a study of prescription drug transparency laws, including reports on data submitted by health insurers, manufacturers, and pharmacy benefit managers,”

Whereas, Five states (California, Nevada, Maine, Oregon, and Vermont) have published reports identifying specific drugs that are high cost, for which costs are rising fast, and and/or that are most frequently prescribed; and

Whereas, California, Vermont, and Oregon have reported impacts of retail prescription drug costs on insurance premiums, averaging 13 percent in California (before accounting for manufacturer rebates, which averaged 10.1 percent of insurers’ retail drug costs) in 2017, 15.67 percent of premiums in Vermont in 2018 (before accounting for rebates), and up to 18 percent of premiums in Oregon (after accounting for rebates) in 2018; and

Whereas, Requiring both manufacturers and PBMs to report allows states to track drug pricing along the supply chain; and

Whereas, Production costs accounted for 29 percent of manufacturers’ estimated average revenue in 2018 for essential diabetes drugs after rebates. Administrative costs and profit each accounted for 25 percent. On average, manufacturers earned \$42 in profits for every \$100 spent on production and administrative cost for these drugs; and

Whereas, Financial assistance to consumers accounted for 14 percent of the manufacturers’ estimated total revenues after rebates, although most manufacturers reported offering no financial assistance; and

Whereas, West Virginia shares concerns about the affordability of many of the same drugs; and

Whereas, Understanding pricing across the entire supply chain, from the manufacturer to the consumer, is critical. Reporting that uses consistent concepts and measures can foster mutual understanding of facts among policymakers and stakeholders in a complex system; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to conduct a study to understand drug pricing across the entire supply chain, from the manufacturer to the consumer, for drugs that drive increases in health insurance premiums and consumer costs; and, be it

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

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

By Delegates Hill and Pack:

H. C. R. 136 - "Requesting a study to present a plan for the combination of the Board of Medicine and the Board of Osteopathic Medicine,"

Whereas, The education pathways are similar, in that D.O.s and M.D.s learn how to diagnose, treat, and prevent diseases and injuries and, as a result, they receive much of the same training, including: four years of medical school after earning a bachelor's degree, and a residency program lasting one to seven years after completing medical school; and

Whereas, Licensees fund both boards duplicitously; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to conduct a study to present a plan for the combination of the Board of Medicine and the Board of Osteopathic Medicine; and, be it

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

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

By Delegates Hill and Pack:

H. C. R. 137 – "Requesting a study of appropriate identification and medical and rehabilitative interventions for persons who sustain a traumatic brain injury,"

Whereas, Traumatic brain injury is a disruption in the normal functioning of the brain due to a bump, blow, jolt or penetrating head injury; and

Whereas, The leading causes of traumatic brain injury are motor vehicle crashes, falls, being struck by or against objects, and assault; and

Whereas, Symptoms of a traumatic brain injury can be mild, moderate, or severe, depending on the extent of damage to the brain; and

Whereas, Disabilities resulting from a traumatic brain injury depend upon the severity of the injury, the location of the injury, and the age and general health of the individual. Some common disabilities include problems with cognition, sensory processing, communication, and behavior or mental health; and

Whereas, Approximately 1.7 million people in the US suffer a traumatic brain injury annually and while most of these injuries are mild, resulting in a short-term disruption, such as a concussion, many are severe, resulting in prolonged unconsciousness or amnesia and often result in permanent disability or death; and

Whereas, In addition to the emotional burden faced by family and friends, it is estimated that traumatic brain injury in the United States is estimated to have direct and indirect costs of \$60 billion annually; and

Whereas, It is important to develop, within the limits of available resources, a comprehensive system designed to assist, educate and rehabilitate the person with a traumatic brain injury to attain and sustain the highest function and self-sufficiency possible using community-based treatments, services and resources to the greatest possible degree; and

Whereas, It is equally important to undertake, within the limits of available resources, appropriate identification and medical and rehabilitative interventions for persons who sustain a traumatic brain injury, including, but not limited to, establishing services to assess the needs of persons who sustain a traumatic brain injury and to facilitate effective and efficient medical care, neurorehabilitation planning and reintegration and to improve the knowledge and skills of the medical community, including, but not limited to, emergency room physicians, psychiatrists, neurologists, neurosurgeons, neuropsychologists and other professionals who diagnose, evaluate and treat traumatic brain injuries; and

Whereas, The Traumatic Brain Injury Waiver Program, as maintained by the Bureau for Medical Services, be continued to prevent the unnecessary institutionalization of persons by providing services and supports that are person-centered and promotes choice, independence, participant-directed, respect, dignity, and community integration; and

Whereas, Traumatic brain injuries require intensive, consistent rehabilitation and this rehabilitation can best be provided in a residential traumatic brain injury rehabilitation facility; and

Whereas, Many West Virginians who suffer traumatic brain injuries would greatly benefit from a residential traumatic brain injury specific rehabilitation facility or day program where this intensive, consistent, brain injury rehabilitation can be provided; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to conduct a study on the need for residential, brain injury specific rehabilitation facilities to provide intensive and consistent rehabilitation to meet the unique needs, challenges and issues facing persons who sustain a traumatic brain injury; and, be it

Further Resolved, that the report should be conducted by the West Virginia Bureau for Health Facilities and that it include studies of options for brain injury specific rehabilitation, the costs associated with these injuries, the potential need for anoxic brain injury specific rehabilitation, and the number of West Virginians with an anoxic brain injury; and, be it

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

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

And,

By Delegates Hill and Pack:

H. C. R. 138 – “Requesting a study of sexual violence prevention and intervention services.”

Whereas, One in six women and one in 21 men will be victims of attempted or completed forcible rapes in West Virginia; and

Whereas, The number one reason for incarceration in DOC facilities in 2018 was forceable sexual assault, and inmates were incarcerated at an annual cost of \$36,049,477; and

Whereas, Comprehensive sexual violence services are currently provided through nine regional rape crisis centers in West Virginia; and

Whereas, These rape crisis centers comprise the state sexual assault coalition - the West Virginia Foundation for Rape Information and Services (FRIS); and

Whereas, Rape crisis centers provide the only 24/7 crisis intervention services for sexual assault victims; and

Whereas, In addition to crisis services, crisis centers reported providing 1719 prevention programs to 16,801 students/individuals last year, and 316 professionals attended 14 FRIS-sponsored prevention training events; and

Whereas, The state provides \$125,000 annually for rape crisis services in West Virginia – a 75% decrease from what was authorized in 2012; and

Whereas, \$800,000 has been requested by rape crisis services for expanded needs; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to conduct a study on sexual violence prevention and intervention services; and, be it

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

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

Delegate Hill, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

S. C. R. 46, Requesting DEP and DHHR propose public source-water supply study plan,

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

In accordance with the former direction of the Speaker, the resolutions (S. C. R. 46) was referred to the Committee on Rules.

Delegate Hill, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. C. R. 87, Recognizing the last day of February every year as Rare Disease Day,

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

In accordance with the former direction of the Speaker, the resolution (H. C. R. 87) was referred to the Committee on Rules.

Delegate Hill, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

Com. Sub. for S. B. 312, Relating to provisional licensure of social workers,

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

Delegate Hill, Chair of the Committee on Health and Human Resources submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

Com. Sub. for S. B. 269, Establishing advisory council on rare diseases,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, and with the recommendation that second reference to the Committee on Government Organization be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for S. B. 269) to the Committee on Government Organization was abrogated.

On motion for leave, a bill was introduced (Originating in the Committee on Finance and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Cowles, Hartman, Skaff, Espinosa, Boggs, Rowan, Pethtel, Rowe, Hill, Barrett, and Pack:

H. B. 4977 – “A Bill expiring funds to the balance of the Department of Arts, Culture and History, Division of Culture and History, Public Records and Preservation Revenue Account Fund, fund 3542, fiscal year 2020, organization 0432, in the amount of \$105,000, all from the Auditor’s Office – Purchasing Card Administration Fund, fund 1234, fiscal year 2020, organization 1200, by supplementing and amending chapter 31, Acts of the Legislature, 2019, known as the Budget Bill.”

On motion for leave, a bill was introduced (Originating in the Committee on Finance and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Criss, Anderson, Rowe, Rowan, Boggs, Espinosa, Sponaugle, Hardy, Barrett, Cowles and Skaff:

H. B. 4978 – “A Bill expiring funds to the balance of the Department of Transportation, State Rail Authority, West Virginia Commuter Rail Access Fund, fund 8402, fiscal year 2020, organization 0804 in the amount of \$750,000, all from the Auditor’s Office – Purchasing Card Administration Fund, fund 1234, fiscal year 2020, organization 1200, by supplementing and amending chapter 31, Acts of the Legislature, 2019, known as the Budget Bill.”

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

Your Committee on Education has had under consideration:

Com. Sub. for S. B. 760, Allowing state college or university apply to HEPC for designation as administratively exempt school,

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

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

Your Committee on Education has had under consideration:

S. B. 42, Permitting faith-based electives in classroom drug prevention programs,

S. B. 750, Establishing extended learning opportunities,

And,

S. B. 842, Requiring Superintendent of Schools establish a Behavior Interventionist Pilot Program in two school districts for five years,

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. 678, Waiving fines and fees for completing Getting Over Addicted Lifestyles Successfully Program,

Com. Sub. for S. B. 739, Authorizing PSC protect consumers of distressed and failing water and wastewater utilities,

And,

Com. Sub. for S. B. 785, Establishing uniform electioneering prohibition area,

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. 130, Relating to procedure for driver's license suspension and revocation for DUI,

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

Com. Sub. for S. B. 547, Relating to employer testing, notice, termination, and forfeiture of unemployment compensation,

And,

S. B. 848, Clarifying persons charged with DUI may not participate in Military Service Members Court,

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

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. 275, Creating Intermediate Court of Appeals,

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

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 2nd day of March, 2020, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

H. B. 4149, Relating to insurance,

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

And,

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

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 3127, Relating to the Secondary School Activities Commission and participation by home schooled students.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 4365, Granting of college credit hours for learning English as a second language.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage a bill of the House of Delegates, as follows:

H. B. 4412, Relating to education benefits to members of the West Virginia Army National Guard and West Virginia Air National Guard.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 4450, Relating to instruction permits issued by the Division of Motor Vehicles.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 4929, Relating to the administrative closing of stale or unprogressed estates.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

H. B. 4969, Relating to providing tax credit for the donation or sale of a vehicle to certain charitable organizations.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 554, Relating to termination, expiration, or cancellation of oil or natural gas leases.

A message from the Senate, by

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

S. B. 852 - "A Bill supplementing and amending by decreasing an existing item of appropriation and adding a new item of appropriation for expenditure of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, State Excess Lottery Revenue Fund, to the State Department of Education, School Building Authority, fund 3514, fiscal year 2020, organization 0402, by supplementing and amending chapter 31, Acts of the Legislature, regular session, 2019, known as the Budget Bill, for the fiscal year ending June 30, 2020"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 853 - "A Bill supplementing and amending by decreasing an existing item of appropriation and adding a new item of appropriation for expenditure of public moneys out of the State Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, Lottery Net Profits, to the State Department of Education, School Building Authority, fund 3963, fiscal year 2020, organization 0402, by supplementing and amending chapter 31, Acts of the Legislature, regular session, 2019, known as the Budget Bill, for the fiscal year ending June 30, 2020"; which was referred to the Committee on Finance.

Miscellaneous Business

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

- Delegate Miller's remarks on Saturday regarding the death of the Mayor of Madison, H. H. "Sonny" Howell, Jr.

At 6:45 p.m., the House of Delegates adjourned until 9:00 a.m., Tuesday, March 3, 2020.

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

SPECIAL CALENDAR

Tuesday, March 3, 2020

56th Day

9:00 A. M.

THIRD READING

- Com. Sub. for S. B. 125 - Prohibiting victim from being subjected to certain physical examinations for sexual offenses (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 144 - Creating misdemeanor penalty for making materially false statement in course of misdemeanor investigation (SHOTT) (REGULAR)
- Com. Sub. for S. B. 163 - Relating to municipal or county taxation of hotel rooms booked through marketplace facilitator (HOWELL) (REGULAR)
- Com. Sub. for S. B. 208 - Protecting consumers from unfair pricing practices during state of emergency (SHOTT) (REGULAR)
- S. B. 545 - Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund (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. 583 - Creating program to further development of renewable energy resources (SHOTT) (REGULAR)
- S. B. 651 - Relating to definition of "mortgage loan originator" (SHOTT) (REGULAR)
- Com. Sub. for S. B. 705 - Allowing military veterans with certain experience qualify for examination as electrician or plumber (HOWELL) (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 (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

SECOND READING

- Com. Sub. for S. B. 136 - Prohibiting certain misleading lawsuit advertising practices (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- Com. Sub. for S. B. 150 - Budget Bill (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- 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. 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. 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)

FIRST READING

- S. B. 42 - Permitting faith-based electives in classroom drug prevention programs (EDUCATION COMMITTEE AMENDMENT PENDING) (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 130 - Relating to procedure for driver's license suspension and revocation for DUI (SHOTT) (REGULAR)
- Com. Sub. for S. B. 269 - Establishing advisory council on rare diseases (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING) (HILL) (REGULAR)

- Com. Sub. for S. B. 275 - Creating Intermediate Court of Appeals (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 308 - Creating criminal penalties for violation of orders issued for protection of victims of financial exploitation (SHOTT) (REGULAR)
- Com. Sub. for S. B. 312 - Relating to provisional licensure of social workers (HILL) (REGULAR)
- Com. Sub. for S. B. 547 - Relating to employer testing, notice, termination, and forfeiture of unemployment compensation (SHOTT) (REGULAR)
- S. B. 654 - Allowing certain sheriffs transfer from PERS to Deputy Sheriff Retirement System (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 678 - Waiving fines and fees for completing Getting Over Addicted Lifestyles Successfully Program (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- S. B. 691 - Limiting programs adopted by State Board of Education (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 707 - Relating to nursing career pathways (EDUCATION COMMITTEE AMENDMENT PENDING) (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- S. B. 723 - Requiring Department of Education develop plan based on analyzed data on school discipline (EDUCATION COMMITTEE AMENDMENT PENDING) (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 729 - Relating to awards and disability under Deputy Sheriff Retirement Act (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 739 - Authorizing PSC protect consumers of distressed and failing water and wastewater utilities (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- S. B. 750 - Establishing extended learning opportunities (EDUCATION COMMITTEE AMENDMENT PENDING) (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 760 - Allowing state college or university apply to HEPC for designation as administratively exempt school (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 785 - Establishing uniform electioneering prohibition area (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 793 - Relating to B&O taxes imposed on certain coal-fired electric generating units (HOUSEHOLDER) (REGULAR)
- S. B. 830 - Eliminating special merit-based employment system for health care professionals (HILL) (REGULAR)

- S. B. 839 - Creating State Advisory Council on Postsecondary Attainment Goals (EDUCATION COMMITTEE AMENDMENT PENDING) (ELLINGTON) (REGULAR)
- S. B. 842 - Requiring Superintendent of Schools establish a Behavior Interventionist Pilot Program in two school districts for five years (EDUCATION COMMITTEE AMENDMENT PENDING) (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- S. B. 846 - Requiring hospital publish notification prior to facility closure regarding patient medical records (HILL) (EFFECTIVE FROM PASSAGE)
- S. B. 848 - Clarifying persons charged with DUI may not participate in Military Service Members Court (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4975 - Making a supplementary appropriation to the School Building Authority, Debt Service Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4976 - Making a supplementary appropriation to the School Building Authority (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 4977 - Expiring funds to the balance of the Department of Arts, Culture and History, Division of Culture and History, Public Records and Preservation Revenue Account Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- H. B. 4978 - Expiring funds to the balance of the Department of Transportation, State Rail Authority, West Virginia Commuter Rail Access Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

HOUSE CALENDAR

Tuesday, March 3, 2020

56th Day

9:00 A. M.

UNFINISHED BUSINESS

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

THIRD READING

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

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)

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. 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)
- 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)
- S. B. 610 - Removing resident manager requirement for Alcohol Beverage Control Administration (SHOTT) (JULY 1, 2020)
- Com. Sub. for S. B. 625 - Creating one-day annual license to permit charitable auction of sealed rare, antique, or vintage liquor bottles (SHOTT) (REGULAR)
- S. B. 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. 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. 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)
- H. J. R. 102 - Providing the West Virginia Legislature rulemaking oversight of the board of education (SHOTT)
- 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)
- 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 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. 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. 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 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

TUESDAY, MARCH 3, 2020

HOUSE CONVENES AT 9:00 A.M.

**COMMITTEE ON THE JUDICIARY
1:00 P.M. – ROOM 410 M**

**COMMITTEE ON ENERGY
30 MINUTES AFTER FIRST FLOOR SESSION – ROOM 215 E**

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