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February 18, 2020  
FORTY-SECOND DAY



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Tuesday, February 18, 2020

**FORTY-SECOND DAY**

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

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

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

The Clerk proceeded to read the Journal of Monday, February 17, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

**H. C. R. 4**, U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge,

**Com. Sub. for H. C. R. 13**, Watts Brothers Memorial Road,

**H. C. R. 14**, U. S. Army, Staff Sargent Wendell Otho Casto Memorial Bridge,

**Com. Sub. for H. C. R. 17**, U. S. Army PFC William E. "Ed" Smith and W. Va. Army Nat. Guard SSG Edward L. "Eddie" Smith Memorial Bridge,

**H. C. R. 19**, Gold Star Families Highway,

**Com. Sub. for H. C. R. 20**, U. S. Army PFC James Ray Miller Memorial Bridge,

**Com. Sub. for H. C. R. 21**, U. S. Army Specialist, Four, Franklin D. Ashley II Memorial Bridge,

**Com. Sub. for H. C. R. 32**, Wolfe Brothers, Edward, William, Paul, George and Fred, WW II Veterans Memorial Bridge,

**Com. Sub. for H. C. R. 33**, U.S.A.F. Lt Col Frederick Donald Belknap Memorial Bridge,

**H. C. R. 34**, Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families,

**H. C. R. 35**, U.S. Navy BT 2<sup>nd</sup> Wade E. Burnside Memorial Bridge,

**H. C. R. 38**, U. S. Army PFC Nile C. Ballard Memorial Road,

**H. C. R. 39**, Coach Kenny Wright Road,

**H. C. R. 45**, U. S. Army Sgt John Matthew Tully Memorial Bridge,

**H. C. R. 52**, U. S. Army PFC Paul Eugene Gregg Memorial Bridge,

**H. C. R. 53**, U. S. Army Air Corps T SGT Ralph H. Ray Memorial Bridge,

**Com. Sub. for H. C. R. 54**, PFC Marvin K. "Sonny" Sherman Memorial Bridge,

**H. C. R. 55**, Pendleton County Veterans Killed in Action Memorial Bridge,

**H. C. R. 62**, USMC Cpl Guy Maywood Edwards Memorial Bridge,

**H. C. R. 65**, U. S. Army TEC5 Donald "Tiny" Lucas Memorial Bridge,

And,

**H. C. R. 70**, U. S. Army Air Corps Private Albert J. Sutphin Memorial Highway,

And reports the same back with the recommendation that they each be adopted.

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. 4363**, Establishing the West Virginia Division of Natural Resources Police Officer Retirement System,

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

**Com. Sub. for H. B. 4363** - "A Bill to amend and reenact §5-10-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-10D-1 of said code; to amend and reenact §7-14D-5 of said code; to amend and reenact §8-22A-6 of said code; to amend and reenact §16-5V-6 of said code; and to amend said code by adding thereto a new article, designated §20-18-1, §20-18-2, §20-18-3, §20-18-4, §20-18-5, §20-18-6, §20-18-7, §20-18-8, §20-18-9, §20-18-10, §20-18-11, §20-18-12, §20-18-13, §20-18-14, §20-18-15, §20-18-16, §20-18-17, §20-18-18, §20-18-19, §20-18-20, §20-18-21, §20-18-22, §20-18-23, §20-18-24, §20-18-25, §20-18-26, §20-18-27, §20-18-28, §20-18-29, §20-18-30, §20-18-31, §20-18-32, §20-18-33, §20-18-34, §20-18-35 and §20-18-36, all relating to establishing the West Virginia Division of Natural Resources Police Officer Retirement System; providing for additional members of the Consolidated Public Retirement Board; and providing for criminal offense of defrauding the system and penalties therefor,"

With the recommendation that the committee substitute 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. 573**, Supplementing, amending, and increasing appropriations of public moneys for claims against state,

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:

**H. B. 4408**, Creating an online database for school principals employment opportunities,

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

**Com. Sub. for H. B. 4408** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to requiring the State Board of Education to develop and implement an online database for the employment of school principals, other administrators and central office personnel,"

With the recommendation that the committee substitute 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:

**H. B. 4843**, Relating to public school education assessment of students for dyslexia and dyscalculia,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4843) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

**H. B. 4568**, Requiring the State Board of Education to provide for the routine education of all professional educators,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4568) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

**H. B. 4737**, Clarifying student eligibility for state-sponsored financial aid,

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. C. R. 10**, Requesting study of current WV laws relating to anti-bullying measures in schools,

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 (S. C. R. 10) was referred to the Committee on Rules.

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. 623**, Allowing noncitizen of US be eligible for teaching certificate,

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

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

Your Committee on the Judiciary has had under consideration:

**H. B. 4523**, Removing the limitation of number of apprentice hunting and trapping licenses a person may purchase,

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

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2321**, Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder,

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

**Com. Sub. for H. B. 2321** - "A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, all relating to allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder resulting from an event that occurred during their employment; providing for diagnosis; noting that treatment can be conducted by other licensed mental health professionals once the initial diagnosis has been made by a psychiatrist; providing that continuing benefits are contingent upon continued treatment; and, requiring the Joint Committee on Volunteer Fire Departments and Emergency Medical Services to study the implementation of this provision and report to the Legislature with modifications or additions to this section,"

With the recommendation that the committee substitute do pass.

Pursuant to House Rule 80, the Speaker referred Com. Sub. for H. B. 2321 to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

**H. B. 4443**, Shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4443) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

**H. B. 3098**, Allowing the same business owner to brew and sell beer to also distill and sell liquor,

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

**Com. Sub. for H. B. 3098** - "A Bill to amend and reenact §11-16-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-4-2 of said code, all relating to permitting the issuance of multiple licenses manufacturing alcoholic liquors and nonintoxicating beer; and requiring full payment of all fees,"

And,

**H. B. 4820**, Relating to inventory of firearms owned by state agencies,

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

**Com. Sub. for H. B. 4820** - "A Bill to amend and reenact §5-16-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-16B-5 of said code; to amend said code by adding thereto a new section, designated §5A-3-35a; to amend and reenact §5A-3-47 of said code; to amend and reenact §5B-1-1a of said code; to amend and reenact §5B-2-4 of said code; to amend and reenact §8-22-18a of said code; to amend and reenact §9-2-9a of said code; to amend and reenact §9-5-15 of said code; to amend and reenact §12-3A-3 of said code; to amend and reenact §12-5-7 of said code; to amend and reenact §12-6-4 of said code; to amend and reenact §12-6C-7 of said code; to amend and reenact §15-2D-3 of said code; to amend and reenact §15A-3-14 of said code; to amend and reenact §16-29G-3 of said code; to amend and reenact §17-16A-13 of said code; to amend and reenact §20-1-7 of said code; to amend and reenact §22C-1-6 of said code; to amend and reenact §23-1-1f of said code; to amend and reenact §23-2C-3 of said code; to amend and reenact §29-12-8 of said code; to amend and reenact §29-18-6 of said code; to amend and reenact §29-22A-19 of said code; to amend and reenact §31A-8A-8 of said code; to amend and reenact §33-2-9 of said code; to amend and reenact §33-20E-7 of said code; and to amend and reenact §51-1-17 of said code, all relating to inventory of firearms owned by state agencies; providing for exempted agencies of the requirements of the purchasing division be required to submit to the director an

inventory of all firearms owned by the agency; providing that an agency is not exempt from a limited number of sections relating to inventory; providing that agencies exempt from the requirements of the purchasing division be required to comply with certain sections for a limited purpose; providing that all agencies currently exempt from the requirement of the purchasing division remain exempt from the requirements; and providing for an effective date,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Government Organization has had under consideration:

**H. B. 4645**, Establishing the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance,

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

**Com. Sub. for H. B. 4645** - “A Bill to amend and reenact §4-2-1 and §4-2-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §4-2-6a; and to amend and reenact §4-3-3c of said code, all relating to the establishment of the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance; clarifying the duties of the Legislative Auditor; creating the Office of Regulatory and Fiscal Affairs as an advisory body to the Legislature; establishing processes for the conduct of fiscal notes and economic impact analysis; requiring state agencies to provide information to the Office of Regulatory and Fiscal Affairs upon request; authorizing certain members of the Legislature to request an economic impact analysis of the rules of the state; permitting the Chairs of the Joint Committee on Government and Finance to request certain performance reviews and analysis of existing statutes; and clarifying the organization of joint legislative agencies,”

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

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

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

In accordance with the former direction of the Speaker, the bill (S. B. 175) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

**Com. Sub. for S. B. 551**, Relating to Water and Wastewater Investment and Infrastructure Improvement Act,



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. 551) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 4452**, Modifying the notice requirements for the redemption of delinquent properties,

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

**Com. Sub. for H. B. 4452** - "A Bill to amend and reenact §11A-3-18, §11A-3-22, §11A-3-52, and §11A-3-55 of the Code of West Virginia, 1931, as amended, all relating generally to notice requirements on tax collections conducted by the State Auditor,"

**H. B. 4474**, Relating to peer-to-peer car sharing programs,

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

**Com. Sub. for H. B. 4474** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17A-6F-1, §17A-6F-2, §17A-6F-3a, §17A-6F-3b, §17A-6F-3c, §17A-6F-3d, §17A-6F-3e, §17A-6F-3f, §17A-6F-3g, §17A-6F-4, §17A-6F-5, §17A-6F-6, §17A-6F-7, §17A-6F-8, §17A-6F-9, and §17A-6F-10, all relating to peer-to-peer car sharing programs; defining the scope of this article and providing for other definitions; imposing insurance requirements; providing for certain exclusions from motor vehicle insurance policies; requiring peer-to-peer car sharing programs to obtain a limited lines insurance license for automobile rental coverage; establishing certain consumer protection and record-keeping requirements; establishing requirements for data collection and retention; establishing benchmarks for safety for automobiles used in peer-to-peer car sharing programs; providing for the collection of sales and use tax by a peer-to-peer car sharing program; establishing a shared vehicle tax in lieu of the daily passenger car rental tax and the vehicle cost recovery fee; establishing the authority to regulate peer-to-peer car sharing programs at airports; establishing controlled authority and other requirements for peer-to-peer car sharing programs in this state; and providing for an effective date,"

**H. B. 4522**, Allowing division to accept documents compliant with Real ID Act for proof of identity,

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

**Com. Sub. for H. B. 4522** - "A Bill to amend and reenact §17B-2-8 of the Code of West Virginia, 1931, as amended, relating to the federal Real ID Act and allowing division to accept documents compliant with Real ID Act for proof of identity, residency, and lawful presence,"

**H. B. 4557**, Relating to centers and institutions that provide the care and treatment of mentally ill or intellectually disabled individuals,

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

**Com. Sub. for H. B. 4557** - "A Bill to amend and reenact §27-9-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §27-17-3 of said code, all relating to behavioral health

centers and group residential facilities; to include the ability to impose civil money penalties against such centers and facilities for good cause; to update obsolete terminology; and requiring legislative rule making,”

And,

**H. B. 4634**, Southern West Virginia Lake Development Study Commission Act,

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

**Com. Sub. for H. B. 4634** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-1B-1, §5B-1B-2, §5B-1B-3 and §5B-1B-4, all relating to establishing the Southern West Virginia Lake Development Study Commission; providing legislative findings; establishing the commission and designating its membership; defining components of commission study; authorizing the commission to create committees and utilize university and other state government resources; providing for expense reimbursement for certain commission members; and requiring reports to the Legislature,”

With the recommendation that the committee substitutes each do pass.

### **Messages from the Executive**

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on February 17, 2020, he approved **Com. Sub. for H. B. 4042**, **Com. Sub. for H. B. 4091** and **Com. Sub. for H. B. 4496**.

### **Messages from the Senate**

A message from the Senate, by

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

**Com. Sub. for H. B. 2086**, Uniform Real Property Electronic Recording Act.

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

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

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

##### **§39A-4-1. Short title.**

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

##### **§39A-4-2. Definitions.**

In this article:

‘Commissioner’ means the Commissioner of the Division of Highways.

‘Document’ means information that is:

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

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

'Electronic' means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

'Electronic document' means a document that is received by the county clerk in an electronic form.

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

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

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

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

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

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

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

#### **§39A-4-4. Recording of documents.**

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

(b) A county clerk:

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

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

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

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

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

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

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

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

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

(a) For the purpose of keeping the standards and practices of county clerks in this state in harmony with the standards and practices of recording offices in other jurisdictions that enact substantially the Uniform Real Property Electronic Recording Act, and to keep the technology used by clerks in this state compatible with technology used by recording offices in other jurisdictions that enact substantially this act, the Secretary of State shall establish the Real Property Electronic Recording Standards Advisory Committee, to, so far as is consistent with the purposes, policies, and provisions of this article, assist in the adoption, amendment, and repeal of standards and practices.

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

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

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

(3) A representative Commissioner of the Division of Highways;

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

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

(6) A representative of the State Auditor;

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Standards and practices of other jurisdictions;

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

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

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

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

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

(e) The commissioner shall:

(1) Provide administrative support to the committee; and

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

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

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

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

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

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

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

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 212**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Paynter.

Absent and Not Voting: Hartman and Kessinger.

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

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

A message from the Senate, by

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

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

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

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

**“ARTICLE 1. WHISTLE-BLOWER LAW.****§6C-1-3. Discriminatory and retaliatory actions against whistle-blowers prohibited; promotion, increased compensation protected.**

(a) No employer may discharge, threaten, or otherwise discriminate or retaliate against an employee by changing the employee’s compensation, terms, conditions, location, or privileges of employment because the employee, acting on his or her own volition, or a person acting on behalf of or under the direction of the employee, makes a good faith report, or is about to report, verbally or in writing, to the employer or appropriate authority, an instance of wrongdoing or waste.

(b) No employer may discharge, threaten, or otherwise discriminate or retaliate against an employee by changing the employee’s compensation, terms, conditions, location, or privileges of

employment because the employee is requested or subpoenaed by an appropriate authority to participate in an investigation, hearing, or inquiry held by an appropriate authority or in a court action.

(c) No employer may deny a whistle-blower covered by the civil service system, because of his or her status or actions as a whistle-blower, a promotion or other increase in compensation that the whistle-blower otherwise would have received.

**§6C-1-4. Civil action by whistle-blower for violation; limitation on actions; burden of proof; defense; use of evidence in civil service proceeding; grievance action available; other rights and actions not limited.**

(a) A person who alleges that he or she is a victim of a violation of this article may bring a civil action in a court of competent jurisdiction for appropriate injunctive relief or damages, or both, within ~~180 days~~ two years after the occurrence of the alleged violation.

(b) An employee alleging a violation of this article must show by a preponderance of the evidence that, prior to the alleged reprisal, the employee, or a person acting on behalf of or under the direction of the employee, had reported or was about to report in good faith, verbally or in writing, an instance of wrongdoing or waste to the employer or an appropriate authority.

(c) It shall be a defense to an action under this section if the defendant proves by a preponderance of the evidence that the action complained of occurred for separate and legitimate reasons, which are not merely pretexts.

(d) An employee covered by the civil service system who contests a civil service action, believing it to be motivated by ~~his~~ the employee having made a disclosure of information, may submit as admissible evidence any or all material relating to the action as whistle-blower and to the resulting alleged reprisal.

(e) Any employee covered by the civil service system who has suffered a retaliatory action as a result of being a whistle-blower may pursue a grievance under the West Virginia Public Employees Grievance Procedure.

(f) Nothing in this article shall impair or limit any other right or legal action of an employee covered by the civil service system.

**§6C-1-7. Limitations on scope of construction; protections related to political activity and membership in organization of employee.**

(a) The provisions of this article shall not be construed to require an employer to compensate an employee for participation in an investigation, hearing, or inquiry held by an appropriate authority or impair the rights ~~of any person under a collective bargaining or other labor management agreement~~ of any employee covered by the civil service system to be a member of an organization of employees or to refrain from being a member of an organization of employees.

(b) Except when on duty or acting in an official capacity, and except where otherwise prohibited by state or federal law, no employee covered by the civil service system may be prohibited from engaging in political activity or be denied the right to refrain from engaging in political activity."

And,

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

**Com. Sub. for H. B. 2497** – “A Bill to amend and reenact §6C-1-3, §6C-1-4, and §6C-1-7 of the Code of West Virginia, 1931, as amended, all relating to the whistle-blower law; protecting promotion or increase in compensation; lengthening the statute of limitations; allowing the use of grievance procedure; protecting use of other right or legal action; protecting rights related to political activity; and protecting rights related to membership in organizations of employees.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 213**), and there were—yeas 91, nays 7, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barnhart, Bartlett, Bibby, Foster, McGeehan, Steele and Waxman.

Absent and Not Voting: Hartman and Kessinger.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2497) passed.

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

A message from the Senate, by

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

**H. B. 2922**, Relating to requirements to obtain a final order of discharge and dismissal for possession of opiates or opioids.

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

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

**“ARTICLE 4. OFFENSES AND PENALTIES.**

**§60A-4-407a. Authorizing additional requirements to obtain a final order of discharge and dismissal for persons charged with possession of controlled substances.**

(a) Notwithstanding any provision of this code to the contrary, when a person pleads guilty or is found guilty of a violation of §60A-4-401(c) of this code, or a municipal ordinance containing the same elements where the controlled substance possessed is listed in §60A-2-204 of this code, other than marijuana, or is a controlled substance listed in §60A-2-206, §60A-2-208, or §60A-2-210 of this code, the court may, as an additional condition for the entry of a final order of discharge or dismissal under §60A-4-407 of this code or a municipal ordinance containing the same or substantially the same provision, require the defendant to be:

(1) Evaluated for admission into a drug court program; or

(2) Participate in a drug treatment program.



(b) If a defendant is determined to be an appropriate candidate for admission to drug court or a drug treatment program, the court may make successful completion of a drug court or a drug treatment program a requirement for obtaining a final order of discharge and dismissal.

And,

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

**Com. Sub. for H. B. 2922** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-407a, relating to authorizing a court to require participation and successful completion of a drug court program or drug treatment program in order for a defendant, pleading or being found guilty of possession of a controlled substance which is or contains a controlled substance listed in §60A-2-204 of this code, other than marijuana, or a controlled substance listed in §60A-2-206, §60A-2-208, or §60A-2-210 to qualify for a final order of discharge and dismissal.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 214**), and there were—yeas 93, nays 5, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fast, Pack, Steele, Waxman and Wilson.

Absent and Not Voting: Hartman and Kessinger.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2922) passed.

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

A message from the Senate, by

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

**H. B. 4007**, Born-Alive Abortion Survivors Protection Act.

Delegate Summers moved that the House concur in the following amendment by the Senate, with further amendment:

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

**“ARTICLE 2P. BORN-ALIVE ABORTION SURVIVORS PROTECTION ACT.**

**§16-2P-1. Born-Alive Abortion Survivors Protection Act.**

(a) Definitions. — For purposes of this section:

(1) ‘Abortion’ has the same meaning as that set forth in §16-2F-2 of this code.

(2) ‘Attempt to perform an abortion’ has the same meaning as that set forth in §16-2M-2 of this code.

(3) 'Born alive' means the complete expulsion or extraction from its mother of the fetus, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

(4) 'Fetus' has the same meaning as that set forth in §16-2M-2 of this code.

(5) 'Licensed Medical Professional' means a person licensed under Chapter 30 of this code practicing within his or her scope of practice.

(6) 'Physician' has the same meaning as set forth in §16-2M-2 of this code.

(7) 'Reasonable medical judgment' has the same meaning as set forth in §16-2M-2 of this code.

(b) Prohibition. —

(1) If a physician performs or attempts to perform an abortion that results in a fetus being born alive the physician shall:

(A) Exercise the same degree of reasonable medical judgment to preserve the life and health of the child as a physician would render to any other fetus born alive at the same gestational age; and

(B) Ensure that the fetus born alive is immediately transported and admitted to a hospital.

(2) A person who has knowledge of a failure to comply with the requirements of this subsection shall report the failure to the applicable licensing board.

(c) Enforcement. —

(1) Any physician or other licensed medical professional who knowingly and willingly violates subsection (b) of this section is considered to have breached the standard of care owed to patients, and is subject to discipline from the applicable licensure board for that conduct, including, but not limited to, loss of professional license to practice.

(2) Any person, not subject to subdivision (1) of this subsection, who knowingly and willfully violates subsection (b) of this section is guilty of the unauthorized practice of medicine in violation of §30-3-13 of this code, and, upon conviction thereof, is subject to the penalties contained in that section.

(3) In addition to the penalties set forth in this section, a patient may seek any remedy otherwise available to the patient by applicable law.

(4) No penalty may be assessed against any patient upon whom an abortion is performed or attempted to be performed."

And,

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

**H. B. 4007** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2P-1, relating to creating the Born-Alive Abortion Survivors Protection Act generally; defining terms requiring medical practitioners to use the same degree of reasonable

medical judgment to preserve the life of a fetus which is born alive as would be used in a live non-abortion birth of the same gestational age; making the failure to exercise such judgment a crime; establishing penalties; and making failure to exercise such judgment a violation of medical licensure standards.”

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

On page one, section one, line seventeen, by striking out the word “fetus” and inserting the word “child”.

On page two, section one, line twenty, by striking out the word “fetus” and inserting the word “child”.

And,

On page two, section one, line twenty-two, by striking out the word “fetus” and inserting the word “child”.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 215**), and there were—yeas 92, nays 6, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: S. Brown, Doyle, Fleischauer, Hansen, Pyles and Walker.

Absent and Not Voting: Hartman and Kessinger.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4007) passed.

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

A message from the Senate, by

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

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

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

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

**“ARTICLE 51. PHARMACY AUDIT INTEGRITY ACT.**

**§33-51-8. Licensure of pharmacy benefit managers.**

(a) A person or organization may not establish or operate as a pharmacy benefits manager in the State of West Virginia without first obtaining a license from the Insurance Commissioner pursuant to this section: *Provided*, That a pharmacy benefit manager registered pursuant to ~~§33-5-7~~ §33-51-7 of

this code may continue to do business in the state until the Insurance Commissioner has completed the legislative rule as set forth in ~~§33-55-10~~ §33-51-10 of this code: *Provided, however,* That additionally the pharmacy benefit manager shall submit an application within six months of completion of the final rule. The Insurance Commissioner shall make an application form available on its publicly accessible Internet website that includes a request for the following information:

- (1) The identity, address, and telephone number of the applicant;
- (2) The name, business address, and telephone number of the contact person for the applicant;
- (3) When applicable, the federal employer identification number for the applicant; and

(4) Any other information the Insurance Commissioner considers necessary and appropriate to establish the qualifications to receive a license as a pharmacy benefit manager to complete the licensure process, as set forth by legislative rule promulgated by the Insurance Commissioner pursuant to ~~§33-51-9(f)~~ §33-51-10 of this code.

(b) *Term and fee.* —

(1) The term of licensure shall be two years from the date of issuance.

(2) The Insurance Commissioner shall determine the amount of the initial application fee and the renewal application fee for the registration. The fee shall be submitted by the applicant with an application for registration. An initial application fee is nonrefundable. A renewal application fee shall be returned if the renewal of the registration is not granted.

(3) The amount of the initial application fees and renewal application fees must be sufficient to fund the Insurance Commissioner's duties in relation to his/her responsibilities under this section, but a single fee may not exceed \$10,000.

(4) Each application for a license, and subsequent renewal for a license, shall be accompanied by evidence of financial responsibility in an amount of \$1 million.

(c) *Licensure.* —

(1) The Insurance Commissioner shall propose legislative rules, in accordance with ~~§33-51-9(f)~~ §33-51-10 of this code, establishing the licensing, fees, application, financial standards, and reporting requirements of pharmacy benefit managers.

(2) Upon receipt of a completed application, evidence of financial responsibility, and fee, the Insurance Commissioner shall make a review of each applicant and shall issue a license if the applicant is qualified in accordance with the provisions of this section and the rules promulgated by the Insurance Commissioner pursuant to this section. The commissioner may require additional information or submissions from an applicant and may obtain any documents or information reasonably necessary to verify the information contained in the application.

(3) The license may be in paper or electronic form, is nontransferable, and shall prominently list the expiration date of the license.

(d) *Network adequacy.* —

(1) A pharmacy benefit manager's network shall not be comprised only of mail-order benefits but must have a mix of mail-order benefits and physical stores in this state.

(2) A pharmacy benefit manager shall provide a pharmacy benefit manager's network report describing the pharmacy benefit manager's network and the mix of mail-order to physical stores in this state in a time and manner required by rule issued by the Insurance Commissioner pursuant to this section.

(3) Failure to provide a timely report may result in the suspension or revocation of a pharmacy benefit manager's license by the Insurance Commissioner.

(e) *Enforcement.* —

(1) The Insurance Commissioner shall enforce this section and may examine or audit the books and records of a pharmacy benefit manager providing pharmacy benefits management to determine if the pharmacy benefit manager is in compliance with this section: *Provided*, That any information or data acquired during the examination or audit is considered proprietary and confidential and exempt from disclosure under the West Virginia Freedom of Information Act pursuant to §29B-1-4(a)(1) of this code.

(2) The Insurance Commissioner ~~may~~ shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code regulating pharmacy benefit managers in a manner consistent with this chapter. Rules adopted pursuant to this section shall set forth penalties or fines, including, without limitation, monetary fines, suspension of licensure, and revocation of licensure for violations of this chapter and the rules adopted pursuant to this section.

(3) A person who violates this provision of this article or the legislative rules implementing its provisions may be fined not less than \$1,000 and not more than \$10,000 per violation.

(f) *Applicability.* —

(1) This section is applicable to any contract or health benefit plan issued, renewed, recredentialed, amended, or extended on or after July 1, 2019.

(2) The requirements of this section, and any rules promulgated by the Insurance Commissioner pursuant to ~~§33-51-9(f)~~ §33-51-10 of this code, do not apply to the coverage of prescription drugs under a plan that is subject to the Employee Retirement Income Security Act of 1974 or any information relating to such coverage.

**§33-51-10. Commissioner required to propose rules.**

The Insurance Commissioner ~~may~~ shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code that are necessary to effectuate the provisions of this article.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 216**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hartman and Kessinger.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4058) passed.

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

A message from the Senate, by

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

**H. B. 4166**, Prohibiting certain sex offenders from being in a supervisory position over children.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had receded from its amendments, and again passed, a bill of the House of Delegates as follows:

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

A message from the Senate, by

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

**Com. Sub. for H. B. 4275**, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission.

On motion of Delegate Summers, the House refused to concur in the following amendment of the bill by the Senate, and requested the Senate to recede therefrom:

On page one, section one, line eight, after the word "authorized", by striking out the period and adding the following:

On page four, section four, subsection 4.1.k., by striking out the comma and inserting in lieu thereof a period.

On page four, section four, subsection 4.1.k., by striking out the words "with the following exceptions:"

On page four, section four, by striking out subdivision 4.1.k.1. in its entirety.

And,

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

**Com. Sub. for H. B. 4275** – "A Bill to amend and reenact §64-6-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing agencies of the Department of Military Affairs and Public Safety to promulgate legislative rules; authorizing the rules as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Fire Commission to promulgate a legislative rule relating to State Fire Code; and authorizing the Fire Commission to promulgate a legislative rule relating to State Building Code."

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

A message from the Senate, by

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

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

A message from the Senate, by

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

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

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

On this question, the yeas and nays were taken (**Roll No. 217**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hartman and Kessinger.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4470) takes effect from its passage.

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

A message from the Senate, by

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

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

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

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

**“ARTICLE 9B. SEXUAL ASSAULT EXAMINATION NETWORK.**

**§15-9B-1. Sexual Assault Forensic Examination Commission.**

(a) The Sexual Assault Forensic Examination Commission is continued as a subcommittee of the Governor’s Committee on Crime, Delinquency and Correction. The purpose of the commission is to establish, manage, and monitor a statewide system to facilitate the timely and efficient collection, submission, testing, retention, tracking, and disposition of forensic evidence in sexual assault cases. As used in this article, the word “commission” means the Sexual Assault Forensic Examination Commission.

(b) Membership on the commission shall consist of the following:

(1) A representative chosen from the membership of the West Virginia Prosecuting Attorneys Association who shall be chosen by the president of that organization;

(2) A representative chosen from the membership of the West Virginia Association of Counties who shall be chosen by the executive director of that organization;

(3) The Commissioner of the Bureau for Public Health, or his or her designee;

(4) A representative from the State Police Forensic Laboratory who shall be chosen by the Superintendent of the West Virginia State Police;

(5) A representative from the membership of the West Virginia Child Advocacy Network;

(6) The President of the West Virginia Hospital Association, or his or her designee;

(7) A representative from the membership of the West Virginia Foundation for Rape and Information Services who shall be chosen by the state coordinator of that organization;

(8) A representative of the West Virginia University Forensic and Investigative Sciences Program who shall be chosen by the director of that program; and

(9) A representative of the Marshall University Forensic Science Center who shall be chosen by the director of that organization.

(c) If any of the representative organizations listed in subsection (b) of this section cease to exist, the director of the Division of ~~Justice and Community~~ Administrative Services, or his or her designee, may select a person from a similar organization.

(d) The director of the Division of Administrative Services, or his or her designee, shall appoint the following additional members of the commission:

(1) An emergency room physician licensed to practice and practicing medicine in this state;

(2) A victim advocate from a rape crisis center employed in this state;

(3) A sexual assault nurse examiner who is engaged in an active practice within this state;

(4) A law-enforcement officer in this state with experience in sexual assault investigations;

(5) A health care provider with pediatric and child abuse expertise licensed in this state; and

(6) A director of a child advocacy center licensed and operating in this state.

(e) The commission shall establish mandatory statewide protocols for conducting sexual assault forensic examinations, including designating locations and providers to perform forensic examinations, establishing minimum qualifications and procedures for performing forensic examinations, and establishing protocols to assure the proper collection of evidence.

### **§15-9B-1a Definitions.**

As used in this article:

(1) 'Biological evidence' includes a sexual assault forensic examination kit, semen, blood, saliva, hair, skin tissue, or other identified biological material.

(2) 'DNA' means deoxyribonucleic acid. DNA is located in the nucleus of cells and provides an individual's personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification.

(3) 'Nonreported kit' means a kit collected from an alleged victim who has consented to the collection of the kit, but has not consented to participation in the criminal justice process.



(4) 'Sexual assault forensic examination kit' or 'kit' means a set of materials, including, but not limited to, swabs and tools for collecting blood samples, clothing, or other materials used to gather forensic evidence from a victim of a reported sexual offense and the evidence obtained with the materials.

(5) 'Sexual offense' means any offense or attempted offense in the jurisdiction of the state in which a sexual assault forensic examination kit is collected, including, but not limited to, the following sections:

(A) §61-8-12 of this code;

(B) §61-8A-2 of this code;

(C) §61-8A-4 of this code;

(D) §61-8A-5 of this code;

(E) Any offenses listed in §61-8B-1 *et seq.* of this code;

(F) Any offenses listed in §61-8C-1 *et seq.* of this code;

(G) Any offenses listed in §61-8D-1 *et seq.* of this code.

(6) 'Unfounded' means evidence developed after reasonable investigation and supported by proper documentation proving no crime occurred or where the alleged victim has recanted.

#### **§15-9B-2. Powers and duties of the commission.**

(a) The commission shall facilitate the recruitment and retention of qualified health care providers that are properly qualified to conduct forensic examinations. The commission shall work with county and regional officials to identify areas of greatest need, and develop and implement recruitment and retention programs to help facilitate the effective collection of evidence.

(b) The commission shall authorize minimum training requirements for providers conducting exams and establish a basic standard of care for victims of sexual assault. The commission may adopt necessary and reasonable requirements relating to establishment of a statewide training and forensic examination system, including, but not limited to, developing a data collection system to monitor adherence to established standards, assisting exam providers to receive training and support services, advocating the fair and reasonable reimbursement to exam providers, and facilitating transportation services for victims to get to and from designated exam locations.

(c) The commission shall approve local plans for each area of the state or a county or regional basis. If the commission determines it necessary, it may add or remove a county or portion of a county from a region to assure that all areas of the state are included in an appropriate local plan. Upon the failure of any county or local region to propose a plan, the commission may implement a plan for that county or region.

(d) Once a plan is approved by the commission, it can only be amended or otherwise altered as provided by the rules authorized pursuant to subsection (e) of this section. Designated facilities and organizations providing services shall give the commission 30 days' advance notice of their intent to withdraw from the plan. If there is a change of circumstances that would require a change in a county or regional plan, the members of the local board and the state commission shall be notified.

(e) The commission may adopt and modify bylaws, policies, and procedures for the conduct of its meetings and the operation of the committee. The commission may propose rules for legislative approval, in accordance with §29A-3-1 *et seq.* of this code, that are necessary to implement this article.

(f) The commission shall elect a chair and a vice chair, and any other officers as it considers necessary. Special meetings may be held upon the call of the chair, vice chair, or a majority of the members of the commission. A majority of the members of the commission present in person, by proxy or designation, or by electronic means constitutes a quorum.

(g) Any member appointed to the commission who is a written, designated representative has the full rights of a member, including the right to vote, serve on subcommittees, or perform any other function.

(h) The commission may make recommendations to the Governor's Committee on Crime, Delinquency and Correction for legislation related to the commission's duties and responsibilities, or for research or studies by the Division of ~~Justice and Community~~ Administrative Services, Justice and Community Services Section on topics related to the commission's duties and responsibilities.

(i) On or before December 1, 2020, the Commission shall develop a written plan to:

(1) Prioritize the testing of kits;

(2) Ensure all kits are tested; and;

(3) Establish a system of tracking kits received which shall be available to victims;

(j) The Commission may suggest additional protocols to the superintendent which it determines might improve the efficacy of testing;

(k) Any reports generated by the Commission shall be submitted to the Joint Committee on Government and Finance.

#### **§15-9B-4. Submission, testing, and retention of sexual assault forensic examination kits.**

(a) The Sexual Assault Forensic Examination Commission created by §15-9B-1 of this code shall establish a subgroup of persons with subject matter expertise to establish best-practice protocols for the submission, testing, retention, and disposition of sexual assault forensic examination kits collected by health care providers. The commission shall propose rules for legislative approval, in accordance with §29A-3-1 *et seq.* of this code, detailing best-practice protocols. Upon approval of the legislative rules, local sexual assault forensic examination boards shall follow the rules.

(b) Rules promulgated pursuant to subsection(a) of this section shall include:

(1) Time frames for submission of sexual assault forensic examination kits in the possession of law enforcement; and

(2) Protocols for storage of DNA samples and sexual assault forensic examination kits.

(c) The commission may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code in order to implement this section: *Provided*, That no emergency rule may permit the destruction of any DNA evidence.

(d) Upon collection, a sexual assault forensic examination kit shall be submitted for testing by the health care provider to the West Virginia State Police Forensic Laboratory within 30 days of collection or as soon thereafter as practicable. All packaging kits for transmittal and transmittal protocols shall be designed to meet applicable standards for maintaining the efficacy of the sample and chain of custody.

(e) No sexual assault forensic examination kit need be tested where the alleged victim has not consented to the testing, requests that the kit not be tested, where he or she recants as to the allegation of a sexual offense, or the allegation that a sexual offense occurred is determined to be unfounded. If the alleged victim does not consent to law enforcement involvement, the kit shall be designated a nonreported kit and transmitted to the Marshall University Forensic Science Center.

(f) The Commission shall, in cooperation with the West Virginia State Police, develop protocols for storage of previously tested materials to be made available for secondary testing upon a court order to do so.

(g) Biological evidence obtained through tests of a sexual assault forensic examination kit shall not be destroyed:

(1) During the time period of incarceration of a person whose DNA was identified by the use of the biological evidence, or while the person remains under continued supervision, whichever is later in time; or;

(2) For as long as the offense from which the biological evidence is obtained remains unresolved;

(h) Notwithstanding any provision of this code, or any rule or policy promulgated thereunder, upon completion of the processing and testing set forth in subsection (d) of this section, the sexual assault forensic examination kit shall be transmitted to the appropriate investigating local or state law-enforcement agency which shall retain all identified biological material that is secured in connection with any sexual offense or attempted sexual offense for the periods set forth in subsection (g) of this section.

(i) After processing and testing of a sexual assault forensic examination kit, the West Virginia State Police Laboratory shall transmit the sexual assault forensic examination kit to the appropriate investigating state or local law-enforcement agency through any reasonable means sufficient to establish the proper chain of custody, including, but not limited to, use of the United States Postal Service or hand delivery by appropriate personnel or a law-enforcement officer. The appropriate investigating state or local law-enforcement agency shall preserve the sexual assault forensic examination kit for the period of time prescribed in subsection (g) of this section in a condition where any biological evidence is suitable for DNA testing. The lack of timely submission, or the inadvertent loss or destruction of a sexual assault forensic examination kit, standing alone, shall not constitute a bar to the prosecution of a sexual offense.

(j) Sexual assault forensic examination kits retained pursuant to this section shall be made available for DNA testing pursuant to §15-2B-7 of this code or pursuant to an appropriate order of a circuit court of competent jurisdiction for secondary testing.

(k) The appropriate investigating state or local law-enforcement agency responsible for retaining the sexual assault forensic examination kit shall obtain approval from the circuit court of competent jurisdiction for the county in which the crime occurred before disposal of any biological evidence. Before the disposal of any sexual assault forensic examination kit, reasonable efforts shall be made to provide written notice to the victim by the prosecuting attorney of the county in which the crime occurred.

(I) Nothing in this section shall be construed as limiting a state or local law-enforcement agency's discretion concerning the conditions under which biological evidence is retained, preserved, or transferred among different entities if the evidence is retained in a condition that is suitable for DNA testing.

**§15-9B-5 Offenses; penalty.**

Any person who willfully neglects or refuses to do or perform any duty imposed by this article is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$50 nor more than \$200, or be confined in jail for a period of not more than 60 days, or both fined and confined."

And,

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

**H. B. 4476** – “A Bill to amend and reenact §15-9B-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto 2 new sections, designated §15-9B-1a and §15-9B-5; and to amend and reenact §15-9B-2 and §15-9B-4 of said code, all relating to providing for the collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases; transferring some duties of the Division of Justice and Community Services to the Division of Administrative Services; defining terms; requiring sexual assault forensic examination kits collected by health care providers to be directly submitted to the West Virginia State Police Forensic Laboratory; requiring certain kits to be transported to Marshall University Forensic Science Center; establishing protocols for storage, retention, transmission and disposal of kits; notice to victim regarding disposal; establishing misdemeanor penalties; and granting rule-making authority.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 218**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Hartman and Kessinger.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4476) passed.

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

A message from the Senate, by

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

**Com. Sub. for S. B. 265** - “A Bill to amend and reenact §22-15A-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §22-15A-30; and to amend and reenact §22-16-12 of said code, all relating to authorizing the Department of Environmental Protection to develop the Reclamation of Abandoned and Dilapidated Properties Program to reclaim abandoned and dilapidated structures in order to improve West Virginia communities and to open new parcels for development; creating a special revenue fund; providing a statement of legislative findings and purpose; and permitting the payment of excess money from the Solid Waste Facility Closure Cost Assistance Fund into the Reclamation of Abandoned and Dilapidated Properties Program Fund”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 279** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-22; to amend said code by adding thereto a new section, designated §33-16-18; to amend said code by adding thereto a new section, designated §33-24-45; to amend said code by adding thereto a new section, designated §33-25-22; and to amend said code by adding thereto a new section, designated §33-25A-36, all relating to the optional assignment of certain benefits in dental care insurance programs; detailing revocation and reimbursement requirements; and excluding Medicaid, CHIP, and contracts approved by the Department of Health and Human Resources Bureau for Medical Services"; which was referred to the Committee on Banking and Insurance then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 306** - "A Bill to amend and reenact §17B-2B-3, §17B-2B-4, §17B-2B-5, and §17B-2B-7 of the Code of West Virginia, 1931, as amended, all relating to licensing of drivers utilizing bioptic telescopic devices"; which was referred to the Committee on Technology and Infrastructure then Government Organization.

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. 310**, Updating certain terms used in WV Personal Income Tax Act.

A message from the Senate, by

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

**S. B. 490** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3B-7, relating to criminal offenses against agricultural facilities; defining terms; describing prohibited acts; establishing criminal penalties; authorizing double damages for damage caused to agricultural facilities and equipment in the course of willful trespass; and allowing injunctive relief"; which was referred to the Committee on Agriculture and Natural Resources then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 560**, Permitting nursing home use trained individuals administer medication.

On motion of Delegate Summers, the House of Delegates concurred in the following Senate title amendment, as follows:

**Com. Sub. for S. B. 560** – "A Bill to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12, and §30-7D-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-5AA-7, §16-

5AA-8, §16-5AA-9, and §16-5AA-10, all relating to permitting a nursing home to use trained individuals to administer medication under the direction of a registered professional nurse; defining terms; authorizing approved medication assistive personnel (AMAP) to administer medication in nursing homes; providing certain exemptions from chapter 30 licensing requirements; establishing requirements for training curricula and national medication aide certification examination procedures; establishing eligibility criteria; establishing requirements for AMAP to administer medication; requiring compliance with legislative rules promulgated by the authorizing agency; requiring nursing homes using AMAP to establish an administrative monitoring system; permitting a registered professional nurse to withdraw authorization for AMAP to administer medications in certain circumstances; allowing certain fees to be collected; providing limits on administration of medication by AMAP; providing that use of AMAP in nursing homes is permissive; and repealing a pilot program designed to monitor the practice of unlicensed personnel administering medication in a nursing home setting.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 219**), and there were—yeas 70, nays 28, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: N. Brown, S. Brown, Byrd, Campbell, Canestraro, Doyle, Evans, Fast, Fleischauer, Fluharty, Hicks, Hornbuckle, D. Jeffries, Lavender-Bowe, Lovejoy, C. Martin, P. Martin, Paynter, Pushkin, Pyles, Rohrbach, Rowe, Staggers, Summers, C. Thompson, R. Thompson, Walker and Williams.

Absent and Not Voting: Hartman and Kessinger.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 560) passed.

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

A message from the Senate, by

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

**Com. Sub. for S. B. 589** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31-15A-17c, relating to critical needs in state water and sewer systems; creating a Critical Needs/Failing Systems Sub Account; funding the sub account with excess uncommitted loan balances; authorizing loans or grants to address a critical immediate need of water or sewer services; and exempting the sub account from certain grant limitations”; which was referred to the Committee on Technology and Infrastructure then Finance.

A message from the Senate, by

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

**S. B. 597** - “A Bill to amend and reenact §50-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §51-1-10a of said code; to amend and reenact §51-2-13 of said code; and to amend and reenact §51-2A-6 of said code, all relating generally to salaries and pensions of magistrates, justices of the Supreme Court of Appeals, circuit judges, and family court judges; and adopting and codifying the 2019 recommendations of the Judicial Compensation Commission as to salary increases for magistrates, justices of the Supreme Court of Appeals, circuit judges, and family court judges”; which was referred to the Committee on Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 702** - “A Bill to amend and reenact §18-2-7a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-2-7e, all relating to designating the specific grade levels to which the specified physical education requirements are applicable; allowing a school district to develop or adopt a program in which the subject of nutrition and exercise education is taught instead of the program required to be prescribed by the state board; setting forth requirements for program developed or adopted; allowing school districts to apply for funding to support the implementation of the program; creating the Nutrition and Exercise Education Fund from which moneys are to be awarded on a competitive basis to eligible school districts; requiring the Department of Education to annually submit a report to the Governor and the Legislative Oversight Commission on Education Accountability; allowing a school district to make available to schools within the district a program in which the subject of nutrient and exercise education is taught; setting forth requirements applicable to the program; allowing school districts utilizing the program to be eligible to apply for funding from the Nutrition and Exercise Education Fund; setting forth requirements applicable to each school in a school district electing to participate in the program; allowing school districts to issue a request for proposals to contract with qualified service providers on a per-student rate to provide certain programs and/or products; setting forth certain criteria that providers of programs and products must meet to be considered by school districts; and setting forth required program accountability measures”; which was referred to the Committee on Education.

A message from the Senate, by

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

**S. B. 703** - “A Bill to amend and reenact §18B-1-1d of the Code of West Virginia, 1931, as amended, relating to an increase in the earning limit for employees who accept a separation incentive under this article and subsequently return to employment; and amending or removing obsolete, duplicative, or unnecessary language from state code”; which was referred to the Committee on Education.

A message from the Senate, by

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

**Com. Sub. for S. B. 706** - “A Bill to amend and reenact §30-29-3 and §30-29-5 of the Code of West Virginia, 1931, as amended, all relating to the duties of the law-enforcement training and certification subcommittee; providing for a minimum of 800 classroom hours for a law-enforcement academy; clarifying that the required classroom hours shall be accumulated on the basis of a full-time curricula; authorizing the law-enforcement training and certification subcommittee to deny an application for the establishment of a new law-enforcement academy if it is determined that no need exists; requiring that a person seeking certification complete the approved law-enforcement training academy within 18 consecutive months of the commencement of employment as a law-enforcement officer; authorizing extensions of such requirement; requiring graduates of state law-enforcement academies successfully complete an entry level law-enforcement examination promulgated by the law-enforcement training and certification subcommittee prior to certification; establishing time frames for completion of training requirements; and making technical corrections”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 712** - "A Bill to amend and reenact §5-2-24c of the Code of West Virginia, 1931, as amended, relating to correcting the name of the Forensic Analysis Laboratory of the Marshall University Forensic Science Center"; which was referred to the Committee on Education.

A message from the Senate, by

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

**Com. Sub. for S. B. 746** - "A Bill to amend and reenact §16-4E-6 of the Code of West Virginia, 1931, as amended, relating to providing that contracted managed care companies with the Bureau for Medical Services may be provided data from the uniform maternal screening tool regarding their own covered members; providing that the Bureau for Medical Services may be provided data from the screening tool regarding their own covered members; and requiring confidentiality must be maintained"; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

**S. C. R. 25** - "Requesting the Joint Committee on Government and Finance study the impact of a future electromagnetic pulse catastrophe on the state of West Virginia."

Whereas, Geomagnetic disturbances and electromagnetic pulses have the capability of producing significant damage to West Virginia's infrastructure and electronic equipment; and

Whereas, West Virginia's dependence on electricity was clearly demonstrated during the aftermath of the 2012 derecho which paralyzed much of the state; and

Whereas, West Virginia's vulnerability to severe threats is increasing daily through heightened use and dependence on electronic equipment; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby directed to study the impact of a future electromagnetic pulse catastrophe on the state of West Virginia; and, be it

*Further Resolved*, That the committee study strategies for prevention and mitigating potential damages caused by geomagnetic disturbances and electromagnetic pulses. In conducting its study, the Joint Committee on Government and Finance shall: (i) Study the nature and magnitude of potential threats to the state of West Virginia caused by geomagnetic disturbances and electromagnetic pulses; (ii) examine West Virginia's vulnerabilities to the potential negative impacts of geomagnetic disturbances and electromagnetic pulses; (iii) identify strategies to prevent and mitigate the effects of geomagnetic disturbances and electromagnetic pulses on West Virginia's infrastructure; (iv) estimate the feasibility and cost of such preventative and mitigation measures; and (v) make recommendations regarding strategies West Virginia should employ to better protect itself from and mitigate damages caused by geomagnetic disturbances and electromagnetic pulses; and, be it



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

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

### **Resolutions Introduced**

Delegates Evans, Anderson, Angelucci, Atkinson, Barnhart, Barrett, Bartlett, Bates, Bibby, Boggs, N. Brown, S. Brown, Butler, Byrd, Cadle, Campbell, Caputo, Cooper, Criss, Dean, Diserio, Doyle, Espinosa, Estep-Burton, Fast, Fleischauer, Fluharty, Hamrick, Hanna, Hansen, Hardy, Hartman, Hicks, Higginbotham, Hill, Hornbuckle, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Lavender-Bowe, Little, Longstreth, Lovejoy, Mandt, C. Martin, Maynard, Miley, Miller, Pack, Pethtel, Phillips, Porterfield, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, Rowan, Rowe, Shott, Skaff, Staggers, Storch, Summers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Waxman, Westfall, Williams, Wilson, Worrell and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 98** - "Requesting the Division of Highways name bridge number 24-052/00-03189 (24A268), locally known as Eckman Overhead, carrying U.S. 52 over CO52/9, NSRR, Elkhorn Creek in McDowell County, the 'Delegate Emily Warden Yeager Memorial Bridge'."

Whereas, Emily Warden Yeager was born on February 7, 1931, in Bluefield, West Virginia, to Roy and Edith Warden of Yukon, West Virginia and following her mother's death was raised in Bluefield by her paternal aunt Doris Warden Stowers and her husband Tyler; and

Whereas, Emily Yeager graduated from Bluefield High School in 1948 and Salem College, North Carolina. in 1952; and

Whereas, Emily Yeager married Ed Kornish, Sr. of Scranton, Pa. and worked for GE-Sonar Division in New York after which she returned to West Virginia and began a teaching career while raising three children as a single parent; and

Whereas, In 1972, Emily married Earl Yeager and moved to Welch and helped him run Yeager Ford Sales while attending Anderson Memorial Presbyterian Church in Welch; and

Whereas, Emily Yeager followed in her father's footsteps who had served two terms in the House of Delegates by being appointed to fill the unexpired term of Ebb B. Whitley, Jr. in 1993 and serving until 2004, and she also served as director of the McDowell County Commission on Aging, councilwoman for the City of Welch, American Legion Post 8 Auxiliary, Chamber of Commerce, WVU Wheels Club, Gary Lions Club, Welch Kiwanis, McDowell County Democratic Women, Chamber of Commerce, Welch VFW auxiliary among other activities; and

Whereas, Emily Yeager died on January 20, 2018, and donated her body for medical research to the West Virginia School of Osteopathic Medicine in Lewisburg; and

Whereas, It is fitting that an enduring memorial be established to commemorate Emily Warden Yeager and her contributions to our state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 24-052/00-031.89 (24A268), (37.40795, -81.46281), locally known as Eckman Overhead, carrying U.S. 52 over CO52/9, NSRR, Elkhorn Creek in McDowell County, the "Delegate Emily Warden Yeager Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Delegate Emily Warden Yeager Memorial Bridge"; and, be it

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

And,

Delegates Hartman, C. Thompson, Boggs and N. Brown offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 99** - "Requesting the Division of Highways name bridge number (42A245), Randolph County, County Route 219/86 Bridge Milepost 42-219/86-005.18, Original Name Lazy Run Bridge, Featured Intersection Lazy Run, (39.01193, -79.81308), carrying CR WV Route 219/86 over Lazy Run in Randolph County, the 'U. S. Army CPL Russell Allen Taylor Memorial Bridge'."

Whereas, Corporal Russell Allen Taylor was born on December 23, 1948, in Elkins, West Virginia, and reared and educated in Randolph County, the son of Russell and Shirley Currence Taylor. He was sworn into the United States Army after attending Elkins High School and commenced active duty; and

Whereas, In January 1969, Corporal Taylor arrived in Vietnam where he served as an infantry soldier in D CO, 4<sup>th</sup> Bn, 31<sup>st</sup> Infantry, 196<sup>th</sup> Infantry Brigade, American Division. Corporal Taylor was killed on August 26, 1969, as a result of multiple gunshot wounds, after his platoon was attacked by a large North Vietnamese Army force while on a search and clear operation near the village of An Son in Quang Tin Providence, South Vietnam. Corporal Taylor was one of seven hundred West Virginia residents and one of over 17 Randolph County residents to make the ultimate sacrifice for his county during the Vietnam War; and

Whereas, Corporal Taylor, on the date of death, left his father Russell Taylor, Mother Shirley Taylor, brothers; Danny, David, Gilbert and Jerry Taylor and sisters; Linda, Brenda, and Judy Taylor, Mrs Silvia Carr and Mrs Wanda Channel; and

Whereas, It is fitting that an enduring memorial be established to commemorate CPL Russell Allen Taylor and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number (42A245), Randolph County, County Route 219/86 Bridge Milepost 42-219/86-005.18, Original Name Lazy Run Bridge, Featured Intersection Lazy Run, (39.01193, -79.81308), carrying CR WV Route 219/86 over Lazy Run in Randolph County, the "U. S. Army CPL Russell Allen Taylor Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the "U. S. Army CPL Russell Allen Taylor Memorial Bridge"; and, be it

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

### **Special Calendar**

#### **Third Reading**

**S. B. 620**, Authorizing Division of Corrections and Rehabilitation approve home plans for inmates; 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. 220**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Hartman, Kessinger and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 620) passed.

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

**S. B. 620** – “A Bill to amend and reenact §62-12-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §62-12-13c, all relating to authorizing the Commissioner of the Division of Corrections and Rehabilitation to approve home plans for inmates; authorizing the Commissioner of the Division of Corrections and Rehabilitation to establish a nonviolent offense parole program; establishing eligibility requirements for said program; clarifying that inmates released under said program are subject to the same conditions of release and sanctions; clarifying that inmate’s failing to successfully complete the rehabilitation treatment program are ineligible for release; and clarifying that inmates not otherwise released may be eligible for said program at the time of successful completion of the rehabilitation treatment program.”

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

**Com. Sub. for H. B. 2775**, Requiring each high school student to complete a full credit course of study in personal finance; 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. 221**), and there were—yeas 89, nays 8, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Canestraro, Espinosa, Kump, McGeehan, Rowe, Storch, Summers and Wilson.

Absent and Not Voting: Hartman, Kessinger and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2775) passed.

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

**Com. Sub. for H. B. 4092**, Relating to foster care; on third reading, coming up in regular order, was read a third time.

Delegates Cowles, Hanna, Kump and McGeehan requested to be excused from voting on Com. Sub. for H. B. 4092 under the provisions of House Rule 49.

The Speaker replied that the Delegates were members of a class of persons possibly to be affected by the passage of the bill and directed the Members to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 222**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Hartman, Kessinger and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4092) passed.

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

**Com. Sub. for H. B. 4165**, West Virginia Remembers Program; 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. 223**), and there were—yeas 94, nays 3, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: J. Jeffries, McGeehan and Wilson.

Absent and Not Voting: Hartman, Kessinger and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4165) passed.

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

**H. B. 4519**, Establishing a summer youth intern pilot program within Department of Commerce; 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. 224**), and there were—yeas 95, nays 2, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: McGeehan and Wilson.

Absent and Not Voting: Hartman, Kessinger and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4519) passed.

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

**Com. Sub. for H. B. 4621**, West Virginia FinTech Regulatory Sandbox Act; on third reading, coming up in regular order, was read a third time.

Delegate Estep-Burton requested to be excused from voting on Com. Sub. for H. B. 4621 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 225**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Hartman, Kessinger and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4621) passed.

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

**Com. Sub. for H. B. 4633**, Expanding county commissions' ability to dispose of county or district property; 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. 226**), and there were—yeas 88, nays 8, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Bibby, Butler, Cadle, Foster, J. Jeffries, McGeehan, Waxman and Wilson.

Absent and Not Voting: Byrd, Hartman, Kessinger and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4633) passed.

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

**Com. Sub. for H. B. 4729**, Requiring higher education institutions to use previous versions or editions of instructional materials; on third reading, coming up in regular order, was read a third time.

Delegate Hanna requested to be excused from voting on Com. Sub. for H. B. 4729 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 227**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Hartman, Kessinger and Rodighiero.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4729) passed.

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

### Second Reading

**Com. Sub. for H. B. 2028**, Limiting supervision of laying of lines on state rights-of-way; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Skaff, Byrd and Fast, the bill was amended on page one, section nine-b, on line one, at the beginning of the sentence by inserting the letter "(a)".

And,

On page one, section nine-b, line six, following the period, by inserting a new subsection "(b)" to read as follows:

"(b) For the purpose of expansion of internet service to underserved areas of the state at a lower construction cost, prior to a public service district beginning construction of a water or sewer line on any state rights-of-way, the public service district shall notify the municipality if the construction is within a municipality's limits, or the county commission if the construction will occur outside any municipality. When the location and construction activity is suitable, the public service district shall allow that local government unit to install a fiber optics cable or conduit suitable for future installation of fiber optic cable. The local governmental unit shall pay for the costs of installation of the cable or conduit and shall own and control its use."

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 2663**, Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 4099**, Eliminating the permit for shampoo assistants; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4450**, Relating to instruction permits issued by the Division of Motor Vehicles; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4499**, Relating to multicounty trail network authorities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4504**, Relating to renewal application requirements for individuals with permanent disabilities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 4537**, Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 4543**, Relating to insurance coverage for diabetics; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 4620**, Redefining definition of “recovery residence”; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Hill and Rohrbach, the bill was amended on page one, by striking out §16-59-1 from the bill.

The bill was then ordered to engrossment and third reading.

**H. B. 4714**, Increasing the monetary threshold for requiring nonprofit organizations to register as a charitable organization; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

**Com. Sub. for H. B. 4734**, Rewriting the article on registered professional nurses; on second reading, coming up in regular order, was read a second time.

An amendment offered by Delegate Wilson, was reported by the Clerk, on page eight, section six, line ten by striking out the entire subsection and inserting in lieu thereof the following:

“(7) Collect a voluntary donation not to exceed \$10 per license per year. The voluntary donation is to be used to fund the center for nursing and to carry out its purposes as set forth in §30-7B-1 et seq. of this code.”.

Delegate Summers requested to be excused from voting on Com. Sub. for H. B. 4734 under the provisions of House Rule 49.

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

The amendment, offered by Delegate Wilson, was then adopted.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4773**, Creating a workgroup to investigate and recommend screening protocols for adverse childhood trauma in this state; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Summers, the bill was amended on page one, section one, by striking out subsection (a) in its entirety and inserting lieu thereof a new subsection (a) to read as follows:

“(a) The Legislature finds that there is a growing body of research documenting the linkages between adverse childhood experiences and childhood trauma on lifelong health and the prevention of adverse childhood experiences and mitigating their impact, therefore the following may be part of the state’s opioid response plan:”.

On page two, line twenty-eight, by striking out the word “shall” and inserting the word “may”.

On page three, line sixty-five, by striking out the words “shall have” and inserting the word “may perform”.

On page four, line 82, by striking the word, “shall” and inserting the word, “may”.

On page four, line 83, by striking the word, "shall" and inserting the word, "may".

On page four, line 84, by striking the word, "shall" and inserting the word, "may".

On page four, line 85, by striking the word, "shall" and inserting the word, "may".

On page four, line 88, by striking the word, "shall" and inserting the word, "may".

On page four, line 90, by striking the word, "shall" and inserting the word, "may".

On page five, line 96, by striking the word, "shall" and inserting the word, "may".

And,

On page five, line 97 after the word, "adoption", by inserting a period and striking the remainder of the sentence.

On motion of Delegate Pushkin, the bill was amended on page three, section one, line fifty-nine, by striking out the word "and".

And,

On page three, section one, line sixty-one, by striking out the period, and inserting in lieu thereof, the following:

"(23) One member chosen by the West Virginia Chapter of the National Association for the Advancement of Colored People;"

On motion of Delegates Zukoff and Lavender-Bowe, the bill was amended on page three, section one, line sixty-one, by striking out the period, inserting a semi-colon and the following:"and

(24) The West Virginia State Superintendent of Free Schools, or his or her designee."

The bill was then ordered to engrossment and third reading.

### **First Reading**

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

**Com. Sub. for S. B. 209**, Relating to annexation by minor boundary adjustment,

**Com. Sub. for S. B. 339**, Authorizing DHHR promulgate legislative rules,

**Com. Sub. for H. B. 4015**, Relating to Broadband Enhancement and Expansion,

**H. B. 4039**, Providing limitations on nuisance actions against fire department and emergency medical services,

**Com. Sub. for H. B. 4422**, The Patient Brokering Act,

**H. B. 4514**, Permitting the use of leashed dogs to track mortally wounded deer or bear,



**H. B. 4529**, Relating to the collection of assessments and the priority of liens on property within a resort area,

**H. B. 4589**, Conducting study for an appropriate memorial for West Virginians killed in the War on Terror,

**Com. Sub. for H. B. 4593**, Authorizing the assignment of poll workers to serve more than one precinct under certain circumstances,

**Com. Sub. for H. B. 4594**, Allowing poll workers to be appointed to work in precincts outside their county,

**H. B. 4697**, Removing the restriction that a mini-distillery use raw agricultural products originating on the same premises,

**Com. Sub. for H. B. 4747**, Extending electronic submission of various applications and forms for nonprofit and charitable organizations, professionals and licensees,

**H. B. 4749**, Providing more efficient application processes for private investigators, security guards, and firms,

**H. B. 4777**, Relating to the right of disposition of remains,

**Com. Sub. for H. B. 4852**, Relating to the penalties for the manufacture, delivery, possession, or possession with intent to manufacture or deliver methamphetamine,

**H. B. 4864**, Relating to performance reviews of state agencies and regulatory boards,

**H. B. 4865**, Requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures,

And,

**H. B. 4956**, Relating generally to the partition of real property.

### **Leaves of Absence**

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

### **Miscellaneous Business**

In response to an inquiry by Delegate Lovejoy regarding the reference of Com. Sub. for H. B. 2321 to the Committee on Finance, the Speaker replied that he had consulted Rules 80 and 98 and it is his opinion that he is empowered to make such references. However, the Speaker stated he had consulted with the Chairs of the Committees on the Judiciary and Finance, and, in the absence of objection, the Speaker withdrew the reference to the Committee on Finance.

Delegate Pushkin moved, that the motion to discharge **H. B. 2741**, Relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act, be taken from the table.

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were **(Roll No. 228)**, and there were—yeas 33, nays 60, absent and not voting 7, with the yeas and absent and not voting being as follows:

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

Absent and Not Voting: Boggs, Byrd, Hartman, Kessinger, Linville, Rodighiero and Swartzmiller.

So, a majority of the members present and voting not having voted in the affirmative, the motion to take the discharge motion from the table did not prevail.

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

- Delegate Summers during Remarks by Members
- Delegate Caputo during Remarks by Members
- Delegate Longstreth during Remarks by Members
- Delegate Angelucci during Remarks by Members
- Delegate Barrett regarding Com. Sub. for H. B. 4092

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

- Delegates Dean and Estep-Burton for H. B. 4568
- Delegate Lovejoy for H. B. 4705
- Delegate Queen for H. J. R. 29
- Delegate Pyles for H. B. 2588
- Delegate Westfall for H. B. 4770
- Delegate Fast for H. B. 4853

At 1:28 p.m., the House of Delegates adjourned until 11:15 a.m., Wednesday, February 19, 2020.

## **SPECIAL CALENDAR**

**Wednesday, February 19, 2020**

**43<sup>rd</sup> Day**

**11:15 A. M.**

### **UNFINISHED BUSINESS**

- H. C. R. 4 - U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge
- Com. Sub. for H. C. R. 13 - Watts Brothers Memorial Road
- H. C. R. 14 - U. S. Army, Staff Sargent Wendell Otho Casto Memorial Bridge
- Com. Sub. for H. C. R. 17 - U. S. Army PFC William E. "Ed" Smith and W. Va. Army Nat. Guard SSG Edward L. "Eddie" Smith Memorial Bridge
- H. C. R. 19 - Gold Star Families Highway
- Com. Sub. for H. C. R. 20 - U. S. Army PFC James Ray Miller Memorial Bridge
- Com. Sub. for H. C. R. 21 - U. S. Army Specialist, Four, Franklin D. Ashley II Memorial Bridge
- Com. Sub. for H. C. R. 32 - Wolfe Brothers, Edward, William, Paul, George and Fred, WW II Veterans Memorial Bridge
- Com. Sub. for H. C. R. 33 - U.S.A.F. Lt Col Frederick Donald Belknap Memorial Bridge
- H. C. R. 34 - Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families
- H. C. R. 35 - U.S. Navy BT 2nd Wade E. Burnside Memorial Bridge
- H. C. R. 38 - U. S. Army PFC Nile C. Ballard Memorial Road
- H. C. R. 39 - Coach Kenny Wright Road
- H. C. R. 45 - U. S. Army Sgt John Matthew Tully Memorial Bridge
- H. C. R. 52 - U. S. Army PFC Paul Eugene Gregg Memorial Bridge
- H. C. R. 53 - U. S. Army Air Corps T SGT Ralph H. Ray Memorial Bridge
- Com. Sub. for H. C. R. 54 - PFC Marvin K. "Sonny" Sherman Memorial Bridge
- H. C. R. 55 - Pendleton County Veterans Killed in Action Memorial Bridge
- H. C. R. 62 - USMC Cpl Guy Maywood Edwards Memorial Bridge
- H. C. R. 65 - U. S. Army TEC5 Donald "Tiny" Lucas Memorial Bridge
- H. C. R. 70 - U. S. Army Air Corps Private Albert J. Sutphin Memorial Highway

### **THIRD READING**

- Com. Sub. for H. B. 2028 - Limiting supervision of laying of lines on state rights-of-way (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2663 - Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4099 - Eliminating the permit for shampoo assistants (HOWELL) (REGULAR)
- H. B. 4450 - Relating to instruction permits issued by the Division of Motor Vehicles (BUTLER) (REGULAR)
- H. B. 4499 - Relating to multicounty trail network authorities (BUTLER) (REGULAR)
- H. B. 4504 - Relating to renewal application requirements for individuals with permanent disabilities (BUTLER) (REGULAR)
- Com. Sub. for H. B. 4537 - Permitting DNR to issue up to 100 permits for boats greater than 10 horsepower on Upper Mud River Lake (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4543 - Relating to insurance coverage for diabetics (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4620 - Redefining definition of "recovery residence" (HILL) (REGULAR)
- H. B. 4714 - Increasing the monetary threshold for requiring nonprofit organizations to register as a charitable organization (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4734 - Rewriting the article on registered professional nurses (HILL) (REGULAR)
- Com. Sub. for H. B. 4773 - Creating a workgroup to investigate and recommend screening protocols for adverse childhood trauma in this state (HILL) (REGULAR)

### **SECOND READING**

- Com. Sub. for S. B. 209 - Relating to annexation by minor boundary adjustment (STORCH) (REGULAR)
- Com. Sub. for S. B. 339 - Authorizing DHHR promulgate legislative rules (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4015 - Relating to Broadband Enhancement and Expansion (SHOTT) (REGULAR)
- H. B. 4039 - Providing limitations on nuisance actions against fire department and emergency medical services (SHOTT) (REGULAR)

- Com. Sub. for H. B. 4422 - The Patient Brokering Act (SHOTT) (REGULAR)
- H. B. 4514 - Permitting the use of leashed dogs to track mortally wounded deer or bear (ATKINSON) (REGULAR)
- H. B. 4529 - Relating to the collection of assessments and the priority of liens on property within a resort area (SHOTT) (REGULAR)
- H. B. 4589 - Conducting study for an appropriate memorial for West Virginians killed in the War on Terror (JENNINGS) (REGULAR)
- Com. Sub. for H. B. 4593 - Authorizing the assignment of poll workers to serve more than one precinct under certain circumstances (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4594 - Allowing poll workers to be appointed to work in precincts outside their county (SHOTT) (REGULAR)
- H. B. 4697 - Removing the restriction that a mini-distillery use raw agricultural products originating on the same premises (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4747 - Extending electronic submission of various applications and forms for nonprofit and charitable organizations, professionals and licensees (HOWELL) (REGULAR)
- H. B. 4749 - Providing more efficient application processes for private investigators, security guards, and firms (HOWELL) (REGULAR)
- H. B. 4777 - Relating to the right of disposition of remains (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4852 - Relating to the penalties for the manufacture, delivery, possession, or possession with intent to manufacture or deliver methamphetamine (SHOTT) (REGULAR)
- H. B. 4864 - Relating to performance reviews of state agencies and regulatory boards (HOWELL) (REGULAR)
- H. B. 4865 - Requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures (HOWELL) (REGULAR)
- H. B. 4956 - Relating generally to the partition of real property (SHOTT) (REGULAR)

### **FIRST READING**

- S. B. 573 - Supplementing, amending, and increasing appropriations of public moneys for claims against state (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for S. B. 623 - Allowing noncitizen of US be eligible for teaching certificate (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2321 - Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder (SHOTT) (REGULAR)

- Com. Sub. for H. B. 3098 - Allowing the same business owner to brew and sell beer to also distill and sell liquor (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4363 - Establishing the West Virginia Division of Natural Resources Police Officer Retirement System (HOUSEHOLDER) (JULY 1, 2020)
- Com. Sub. for H. B. 4408 - Requiring the State Board of Education to develop and implement an online database for the employment of school principals (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 4452 - Modifying the notice requirements for the redemption of delinquent properties (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4474 - Relating to peer-to-peer car sharing programs (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4522 - Allowing division to accept documents compliant with Real ID Act for proof of identity (SHOTT) (REGULAR)
- H. B. 4523 - Removing the limitation of number of apprentice hunting and trapping licenses a person may purchase (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4557 - Relating to centers and institutions that provide the care and treatment of mentally ill or intellectually disabled individuals (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4634 - Southern West Virginia Lake Development Study Commission Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4645 - Establishing the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance (HOWELL) (REGULAR)
- H. B. 4737 - Clarifying student eligibility for state-sponsored financial aid (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4820 - Relating to inventory of firearms owned by state agencies (HOWELL) (REGULAR)

## HOUSE CALENDAR

Wednesday, February 19, 2020

43<sup>rd</sup> Day

11:15 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. 534 - Removing workers' compensation exclusion for temporary legislative employees (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4001 - Creating West Virginia Impact Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE) (AMENDMENT PENDING BY DELEGATES HOUSEHOLDER AND BATES) [RIGHT TO AMEND]
- 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. 4155 - Relating generally to the regulation of plumbers (HOWELL) (REGULAR)

### SECOND READING

- S. B. 170 - Alleviating double taxation on foreign income at state level (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- H. J. R. 102 - Providing the West Virginia Legislature rulemaking oversight of the board of education (SHOTT)
- Com. Sub. for H. B. 4059 - Increasing access to long acting reversible contraception (HILL) (REGULAR)
- H. B. 4455 - Permitting fees from the Central Abuse Registry to be used for costs relating to information technology support and infrastructure (HOUSEHOLDER) (REGULAR)
- H. B. 4524 - Making the entire state "wet" or permitting the sale of alcoholic liquors for off-premises consumption (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4690 - Relating to solid waste facilities (SHOTT) (REGULAR)

### FIRST READING

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

# **WEST VIRGINIA HOUSE OF DELEGATES**

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**WEDNESDAY, FEBRUARY 19, 2020**

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**HOUSE CONVENES AT 11:15 A.M.**

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## **PUBLIC HEARING**

**COMMITTEE ON THE JUDICIARY**

**8:30 A.M. – HOUSE CHAMBER**

**S. C. R. 4, URGING CONGRESS CALL CONVENTION TO PROPOSE AMENDMENT ON  
CONGRESSIONAL TERM LIMITS.**

**COMMITTEE ON FINANCE**

**9:00 A.M. – ROOM 460 M**

**COMMITTEE ON THE JUDICIARY**

**9:30 A.M. – ROOM 410 M**

**COMMITTEE ON RULES**

**11:00 A.M. – BEHIND CHAMBER**

**COMMITTEE ON GOVERNMENT ORGANIZATION**

**5:30 P.M. – ROOM 215 E**

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**THURSDAY, FEBRUARY 20, 2020**

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## **PUBLIC HEARING**

**COMMITTEE ON THE JUDICIARY**

**8:30 A.M. – HOUSE CHAMBER**

**H. B. 4176, WEST VIRGINIA INTELLIGENCE/FUSION CENTER ACT.**









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