

West Virginia Legislature

JOURNAL  
of the  
HOUSE of DELEGATES

Eighty-Fourth Legislature  
Second Regular Session

Held at Charleston  
Published by the Clerk of the House



February 21, 2020  
FORTY-FIFTH DAY



---

Friday, February 21, 2020

**FORTY-FIFTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Thursday, February 20, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Reordering of the Calendar**

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 4613, on Second Reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 4485 and H. B. 4884, on First Reading, Special Calendar to the House Calendar.

**Committee Reports**

Delegate Anderson, Chair of the Committee on Energy submitted the following report, which was received:

Your Committee on Energy has had under consideration:

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

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

In the absence of objection, reference of the bill (Com. Sub. for S. B. 554) to the Committee on the Judiciary was abrogated.

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

**By Delegates Doyle, Higginbotham, Jennings, Bartlett, Rohrbach, Toney, J. Kelly, Campbell, C. Thompson, R. Thompson and Hornbuckle:**

**H. B. 4967** - "A Bill to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating to calculating net enrollment for home-school students enrolled in one virtual school course in the public school system."

The Speaker referred the bill (H. B. 4967) 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. 2897**, Relating to driving restrictions in school zones,

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

**Com. Sub. for H. B. 2897** - "A Bill to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating to driving restrictions in school zones; specifying that the speed limit restriction for school zones applies during school recess or while children are going to or leaving school during opening or closing hours or whenever school zone flashing beacons are present and activated,"

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:

**H. B. 4665**, Reducing the amount of rebate going to the Purchasing Improvement Fund,

And,

**H. B. 4804**, Relating to comprehensive systems of support for teacher and leader induction and professional growth,

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

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

**By Delegates Householder, Boggs, Pack, Storch, Pethel, Espinosa, Hartman, Graves, Ellington and Criss:**

**H. B. 4966** - "A Bill to amend and reenact §11-6F-2 of the Code of West Virginia, 1931, as amended; and to amend §11-13S-3 of said code, all relating generally to updating the North American Industry Classification System code references applicable to certain manufacturing activities that include the processing of raw natural gas or oil to recover or extract liquid hydrocarbons; and removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions."

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. 4639**, Changing frequency of mandatory state inspections of motor vehicles,

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

**Com. Sub. for H. B. 4639** - "A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-16-4, §17C-16-5 and §17C-16-6 of said code,

all relating to changing annual mandatory state inspections of antique motor vehicles and motorcycles, motor vehicles, trailers, semitrailers and pole trailers to mandatory inspections every two years; changing fee for inspection sticker from three to six dollars; changing fee for inspection from fourteen to seventeen dollars; and providing operative date of amendments,”

With the recommendation that the committee substitute 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. 4705**, Including three types of cancer for which rebuttable presumption of injury from employment exists for firefighters,

And,

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

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

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

Your Committee on the Judiciary has had under consideration:

**H. B. 2478**, Modifying the Fair Trade Practices Act,

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

**Com. Sub. for H. B. 2478** - “A Bill to amend and reenact §47-11A-6 and §47-11A-9 of the Code of West Virginia, 1931, as amended, relating to including “applicable taxes” to the definition of “cost” for retailers; and providing for treble damages, court costs, litigation costs, and attorney fees for filing a suit in bad faith,”

And,

**H. B. 4717**, Seizure and Forfeiture Reporting Act,

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

**Com. Sub. for H. B. 4717** - “A Bill to amend and reenact §60A-7-708 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §60A-7-708, all relating to bookkeeping procedures and internal controls for seized or forfeited property under the West Virginia Contraband Forfeiture Act; providing for record keeping and accounting procedures; providing for a report to the State Auditor from law enforcement agencies; requiring the State Auditor establish a public website for reporting information; providing the State Auditor prepare and disseminate a yearly report; establishing that the State Auditor may perform a financial audit; requiring the State Auditor to conduct an audit when seizure of assets or expenditure of funds from seized assets exceeds a designated amount; permitting the State Auditor to charge a fee; requiring the State Auditor to notify a law enforcement agency for failure to report; providing the State Auditor may promulgate rules; establishing that reported information is subject to the W.Va. Freedom of Information Act; establishing an effective date; and. providing that a court may seal records,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 4953**, Providing the PSC with authority to order the acquisition of failing utilities and a variety of tools to assist distressed and failing utilities,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (H. B. 4953) to the Committee on Finance was abrogated.

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

**By Delegates Hamrick, Canestraro, D. Kelly, Lovejoy, Miller, Shott, Nelson, Mandt, Fleischauer, Pushkin and Pyles:**

**H. B. 4958** - "A Bill to amend and reenact §8-10-2a and §8-10-2b of the Code of West Virginia, 1931 as amended; to amend and reenact §17B-3-3a and §17B-3-3c of said code; to amend and reenact §50-3-2a of said code; and to amend and reenact §62-4-17 of said code, all relating to eliminating the ability of a person's driver's license to be suspended for the failure to pay court fines and costs; allowing court clerks to accept electronic payments, credit cards, cash, money orders, or certified checks; requiring magistrate, municipal, and circuit clerks to set up a payment plan if an individual signs an affidavit stating that he or she is unable to pay the court fines and costs imposed; requiring the Supreme Court of Appeals to generate forms; authorizing magistrate, municipal, and circuit clerks to assess late fees, to record a judgment lien for unpaid fines and costs in the county clerk's office, and to send a debt to collections; and allowing for previously suspended driver's licenses to be reinstated."

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. 4439**, Clarifying the method for calculating the amount of severance tax attributable to the increase in coal production,

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

**Com. Sub. for H. B. 4439** - "A Bill to amend and reenact §11-13EE-3 of the Code of West Virginia, 1931, as amended, relating to a coal severance tax rebate; clarifying the methodology for determining the eligibility for said rebate; clarifying methods of calculation for the amount of severance tax attributable to the increase in coal production at a mine due to new qualifying capital investments; providing that when the producer of the coal operates more than one mine in this state, or is a member of a controlled or affiliated group that operates one or more coal mines in this state, any rebate allowed is further limited to 80 percent of the state portion of the increase in the aggregate total amount of severance taxes paid in the rebate year when compared to the aggregate total amount of severance taxes paid in the base-year period; but, subject to the individual and aggregate severance tax limitations, a rebate up to the maximum rebate shall only be allowed if the aggregate total coal

production tonnage in the rebate year is greater than the aggregate total coal production tonnage during the base-year period from all mines, including the mine where the qualifying investment was made, operated by the taxpayer or by members of the affiliated or controlled group in this state; and no rebate shall be allowed if the aggregate total coal production tonnage in the rebate year is less than the aggregate total coal production tonnage during the base-year period; making technical corrections regarding internal code references; and clarifying that calculations are to be made with totals before the allowance of any tax credits are applied in certain circumstances,”

With the recommendation that the committee substitute do pass.

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

**By Delegates Maynard, Hill, Pack, Williams, Sponaugle, Boggs, Rowan, Pethtel, Skaff, Barrett and Linville:**

**H. B. 4969** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §11-13FF-1, §11-13FF-2, §11-13FF-3, §11-13FF-4, §11-13FF-5, §11-13FF-6 and §11-13FF-7, all relating to providing a tax credit for the donation or sale of a vehicle to certain charitable organizations; defining terms; providing limitations; providing requirements; providing for applicability of as is provisions; providing rulemaking authority; requiring reporting; and providing effective date.”

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. 4497**, Requiring an external defibrillator device at any secondary school athlete event,

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

**Com. Sub. for H. B. 4497** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25b, relating to requiring the West Virginia Secondary School Activities Commission to require that an automated external defibrillator device, as well as a posted emergency action plan, be present on the school or event grounds during the duration of all extramural high school or middle school athletic events and practices under the control, supervision and regulation of the commission, and that all school sports personnel be trained in the use of the device; requiring that the automated external defibrillator device on the school or event grounds be located as close to the event or practice activity as is possible; requiring that rules be proposed for promulgation by the state board of education; and naming the law The Alex Miller Law,”

With the recommendation that the committee substitute do pass.

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

**By Delegates Byrd, Shott, Capito, Queen, Mandt, Westfall, Phillips, D. Kelly, Pushkin, Fluharty and S. Brown:**

**H. B. 4968** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13ff-1, §11-13ff-2, §11-13ff-3, §11-13ff-4, §11-13ff-5, §11-13ff-6, §11-13ff-7, §11-13ff-8, §11-13ff-9, §11-13ff-10, §11-13ff-11, §11-13ff-12, §11-13ff-13, and to amend said code by adding thereto a new article, designated §11-13gg-1, §11-13gg-2, §11-13gg-3, §11-13gg-4,

§11-13gg-5, §11-13gg-6, §11-13gg-7, §11-13gg-8, §11-13gg-9, §11-13gg-10, §11-13gg-11, §11-13gg-12 and §11-13gg-13, all relating to expanding the availability of new technology resources in the state to enhance opportunities for technology investment and availability; providing for tax credits for construction of fiber optics technologies in the state; providing for tax credits for certain information and technology companies that create jobs in the state; providing for rulemaking and other requirements, conditions and limitations relating to tax credits created herein.”

The Speaker referred the bill (H. B. 4968) 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. 4619**, Approving plans proposed by electric utilities to install middle-mile broadband fiber,

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

**Com. Sub. for H. B. 4619** – “A Bill to amend and reenact §24-2-1 the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §24-2-1o, all to authorize the Public Service Commission to approve plans proposed by electric utilities to install middle-mile broadband fiber and provide expedited cost recovery,”

With the recommendation that the committee substitute do pass.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

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

The message further announced that the President of the Senate had appointed as conferees on the part of the Senate the following:

Senators Weld, Takubo and Jeffries.

On motion of Delegate Summers, the House of Delegates agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

The Speaker appointed as conferees on the part of the House of Delegates the following:

Delegates Foster, Steele and N. Brown.

*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. 163** - "A Bill to amend and reenact §7-18-3 and §7-18-4 of the Code of West Virginia, 1931, as amended, all relating to municipal or county taxation of hotel rooms booked through a marketplace facilitator; defining terms; providing for collection and remittance of the tax imposed by any municipality or county; requiring the marketplace facilitator to separately state the tax on all bills, invoices, accounts, books of account, and records relating to occupancy or use of a hotel room; and deeming all taxes collected be held in trust by the marketplace facilitator until remitted"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**S. B. 291** - "A Bill to repeal §33-15-4a of the Code of West Virginia, 1931, as amended; to repeal §33-16-3a of said code; to amend and reenact §5-16-7 of said code; to amend said code by adding thereto a new section, designated §33-15-4u; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend and reenact §33-24-4 of said code; to amend said code by adding thereto a new section, designated §33-24-7u; to amend and reenact §33-25-6 of said code; to amend said code by adding thereto a new section, designated §33-25-8r; and to amend said code by adding thereto a new section, designated §33-25A-8u, all relating to requiring the Public Employees Insurance Agency and other health insurance providers to provide mental health parity between behavioral health, mental health, substance use disorders, and medical and surgical procedures; providing definitions; providing for mandatory annual reporting; providing for rulemaking; and setting forth an effective date"; 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. 502** - "A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to methamphetamine; and amending criminal penalty".

At the respective requests of Delegate Summers, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 291) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading

A message from the Senate, by

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

**S. B. 562** - "A Bill to amend and reenact §61-11-26 and §61-11-26a of the Code of West Virginia, 1931, as amended, all relating generally to expungement of certain criminal convictions; allowing a person seeking expungement of convictions in multiple counties to file the petition in his or her county of residence; clarifying that prosecuting attorneys in any county of conviction wherein expungement is sought be provided notice of petition; eliminating the requirement that the chief law-enforcement officer or head of a municipal law-enforcement agency where the offense for which expungement is sought be given notice where such agency was not the arresting agency; clarifying that Commissioner of Corrections be served with a copy of the petition for expungement if the petitioner was confined or imprisoned for the offense for which expungement is sought; clarifying that petitioner's burden of proof as to convictions for which expungement is sought are the only convictions against him or her

in the state; defining 'expungement'; and directing that upon the granting of an order of expungement all public records other than those under court seal are moved and destroyed"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 610** - "A Bill to repeal §29-22B-327 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-16-3 and §11-16-8 of said code; to amend and reenact §16A-6-3 of said code; to amend and reenact §29-22B-503, §29-22B-504, and §29-22B-512 of said code; to amend and reenact §60-1-5 of said code; to amend and reenact §60-3A-8 of said code; to amend and reenact §60-7-4 and §60-7-5 of said code; and to amend and reenact §60-8-16 and §60-8-17 of said code, all relating to removing resident manager requirements; adding a manager requirement for West Virginia Alcohol Beverage Control Administration applicants and licensees; removing residency requirements for granting permits under the Medical Cannabis Act; and removing residency and United States citizenship requirements for the West Virginia Lottery"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 692** - "A Bill to amend and reenact §62-3-8 of the Code of West Virginia, 1931, as amended, relating to clarifying that persons charged with a felony offense or offenses are entitled to a separate trial as to their guilt or innocence upon moving therefor; and clarifying that the statutory right to a separate trial preempts any provisions of law or judicial rule to the contrary"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. C. R. 19** – "Requesting the Division of Highways name bridge number 42-219/00-038.13 (42A139), locally known as Isner Creek Bridge, carrying US 219 over Isner Creek in Randolph County, the 'U.S. Marine Corps LCPL Fred Michael Kerns Memorial Bridge'."

Whereas, Fred Michael Kerns was born on October 15, 1948, in Weston, West Virginia, the son of Fred G. and Thelma Marie Glover Kerns; and

Whereas, Fred Michael Kerns was sworn into the United States Marine Corps after graduating from Buckhannon - Upshur High School in 1966, and commenced active duty in 1967; and

Whereas, On October 3, 1968, LCPL Fred Michael Kerns arrived in Vietnam, where he served as an air crewman aboard helicopters with Marine Light Attack Helicopter Squadron 167 (HML-167), Marine Air Group 16 (MAG-16), First Marine Air Wing, Third Marine Amphibious Force; and

Whereas, LCPL Fred Michael Kerns was killed on July 29, 1969, as a result of a nonhostile helicopter crash in Quam Nam Providence, South Vietnam; and

Whereas, LCPL Fred Michael Kerns was awarded the Air Medal, Combat Action Ribbon, Republic of Vietnam Campaign Medal, Vietnam Service Medal, National Defense Medal, Presidential Unit Citation, Vietnam Gallantry Cross Unit Citation, and Combat Aircrew Badge; and

Whereas, LCPL Fred Michael Kerns' name is listed on the Vietnam Memorial Wall in Washington, D. C., Panel 20W, Line 71; and

Whereas, LCPL Fred Michael Kerns was one of several hundred West Virginia residents, and one of over 17 Randolph County residents, to make the ultimate sacrifice for his country during the Vietnam War. He is buried at the Masonic Cemetery, Weston, West Virginia; and

Whereas, LCPL Fred Michael Kerns, on the date of his death, left his father Fred Kerns, his mother Thelma Kerns, and three brothers: Terry Lee, Alan William, and Stephen Craig Kerns; and

Whereas, It is fitting that an enduring memorial be established to commemorate LCPL Fred Michael Kerns and his contributions and sacrifice to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 42-219/00-038.13 (42A139), locally known as Isner Creek Bridge, carrying US 219 over Isner Creek in Randolph County, the "U.S. Marine Corps LCPL Fred Michael Kerns Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Marine Corps LCPL Fred Michael Kerns Memorial Bridge"; and, be it

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

A message from the Senate, by

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

**S. C. R. 27** - "Requesting the Joint Committee on Government and Finance to study ways to make the State Capitol building more handicap accessible."

Whereas, For many years, the Legislature has attempted to assure the expansion of access to facilities, services, and programs to the handicapped as sound public policy; and

Whereas, There still exists ways to make the State Capitol more handicap accessible; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance study ways to make the State Capitol building more handicap accessible; 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 Shott, Pushkin, Caputo, Ellington, Williams, Fleischauer, Rowe, Wilson, Bibby, D. Jeffries, Hansen, Pyles, Skaff, Campbell, Estep-Burton, Cowles, Nelson and Byrd offered the following resolution, which was reported by the Clerk:

**H. R. 14** - "Urging Major League Baseball to rescind the ill-advised proposal that threatens the future of professional baseball in West Virginia."

Whereas, The history of professional baseball in West Virginia, dates back more than a century from the Charleston Statesmen in 1910 through four Minor League Baseball teams today: the West Virginia Black Bears in Morgantown, the West Virginia Power in Charleston, the Bluefield Blue Jays and the Princeton Rays; and

Whereas, West Virginia's four Minor Leagues Baseball teams – and others in surrounding states nearby, including the Hagerstown Suns – add to the quality of life for many people in West Virginia by providing access to live action, affordable family entertainment throughout the spring and summer months; and

Whereas, These four teams within West Virginia are engines of tourism, welcoming 226,000 fans to their games in 2019 and attracting thousands of visitors to come to West Virginia who might not otherwise visit our state from every other state in the nation and several other countries; and

Whereas, These first-time and repeat visitors include players and coaches, their families and friends, umpires and professional scouts, baseball professionals and avid fans of the game, and they stay in our hotels, eat in our restaurants, shop in our stores, visit our attractions and discover our state in ways they otherwise would never experience; and

Whereas, Minor League Baseball teams in West Virginia are small businesses that provide paychecks to dozens of full-time and hundreds of part-time employees in our state, form partnerships with hundreds of other West Virginia businesses, generate millions of dollars in economic impact and assist West Virginia charities and community organizations in raising several hundred thousand dollars every year; and

Whereas, A proposal from Major League Baseball seeks to eliminate 42 teams from its player development structure with Minor League Baseball and, if implemented, would jeopardize the future of professional baseball throughout West Virginia and in other nearby communities in neighboring states; therefore, be it

*Resolved by the House of Delegates:*

That the West Virginia Legislature hereby urges Major League Baseball to rescind the ill-advised proposal that threatens the future of professional baseball in West Virginia and the benefits in tourism, job creation, quality of life and charitable assistance that our citizens and communities now enjoy because of Minor League Baseball in West Virginia; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Commissioner of Major League Baseball.

At the respective requests of Delegate Summers, and by unanimous consent, reference of the resolution (H. R. 14) to a committee was dispensed with, and it was taken up for immediate consideration, and then read by the Clerk.

The question being on the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 266**), 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: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 14) adopted.

Delegates Howell, Rowan, Kump, C. Martin, Butler, Hott, Staggers, Linville, Cowles, Householder and Sponaule offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 103** - "Requesting the Division of Highways name bridge number 29-046/00-029.27 (29A040), (39.44324, -78.83744) locally known as Patterson Creek Bridge, carrying WV 46 over Patterson Creek in Mineral County, the 'French & Indian War Veterans Memorial Bridge'."

Whereas, Mineral County was home to French and Indian War Forts Sellers, Ashby and Cocke in the Patterson Creek valley. Ashby's Fort still exists to this day and is now a tourist attraction and museum. These forts were ordered constructed by George Washington and manned by local Virginia Militias; and

Whereas, The French and Indian War was the North American phase of a worldwide conflict between Britain and France. In Europe the conflict was called the Seven Years' War (1756–1763), but its Ohio Valley phase cannot be dated with such precision. Although commonly dated to 1754, the war may be said to have begun as early as 1752, when the French destruction of a pro-British Miami village in western Ohio helped to bring the Shawnees, Delawares, and other Ohio Native Americans into the French orbit. In 1753, the governor of Virginia dispatched the young George Washington to the upper Ohio to warn the French away from the valley. In 1754, Washington returned with troops to seize the region's most strategic point, the Forks of the Ohio at modern Pittsburgh, defeated a French detachment, and was defeated in turn when the French and their Indian allies forced his surrender at Fort Necessity on July 3, 1753. Shortly thereafter a Native American attack wiped out the first attempted white settlement in Tygart Valley near the Monongahela headwaters; and

Whereas, The Native Americans confronted the oncoming conflict with fear and resentment. Now dependent upon European manufactured goods, they appreciated the lower prices and better quality they got from British traders but recognized that the French posed less of a threat to their hunting grounds than the land-hungry Virginians and Pennsylvanians. The French thrust toward the Ohio, coupled with Virginia's land hunger and the official pacifism of Quaker Pennsylvania, left the Ohio Native Americans little choice but to join with the French; and

Whereas, British authorities dispatched Maj. Gen. Sir Edward Braddock and 1,400 regular troops to the Ohio frontier in 1755. Braddock accepted Virginia militia and supplies from Pennsylvania but arrogantly ignored colonial advice about how to fight in Indian country. He led his army into one of the worst defeats in frontier history when he blundered into a French and Indian ambush at the Battle of the Monongahela, near present Pittsburgh, on July 9, 1755. Braddock was killed, and other

participants, such as Washington, Andrew Lewis, and a young teamster named Daniel Boone, barely managed to make their way back to the settlements. A general assault followed on the Virginia frontier by Shawnee, Delaware, and Mingo war parties. Settlers newly planted in the Greenbrier and upper New River valleys were killed, captured, or frightened back across the mountains, while the older settlements in the South Branch and Potomac valleys came under heavy assault. Here a minority of residents held their ground, backed by a chain of small forts that Washington organized in 1756; and

Whereas, Virginia's government responded to Braddock's defeat by raising an army of several hundred frontiersmen commanded by Andrew Lewis and joined by around 100 Cherokee warriors. Lewis's orders were to march toward the Ohio via "Sandy Creek" (the Big Sandy River) and destroy the Shawnee villages in southern Ohio. Disaster again followed. Ill-disciplined, poorly supplied, and unlucky in the weather and scarcity of game they encountered, this Sandy Creek Expedition struggled forward for nearly a month in February–March 1756 before turning back in a state of near-starvation and mutiny; and

Whereas, The Western Virginia frontier remained open to assault until British regulars under Gen. John Forbes drove the French away from the Forks of the Ohio, present Pittsburgh, and established Fort Pitt there in 1758. This brought the Ohio Native Americans back under British influence, though occasional Indian raids into Virginia continued in 1759 and 1760. When defeats in Europe, India, and the Caribbean led the French to accept a general settlement in 1763, they agreed to give up all their North American territory. The astonished Native Americans, who did not consider themselves to have been conquered in battles fought far away in Canada and overseas, then confronted victorious British officials who to them seemed to have combined the imperious attitude of the French with the greed of the frontiersmen. The result was further native resistance, in an episode known to history as "Pontiac's Rebellion," when assaults again fell on the Greenbrier, Monongahela, and Potomac frontiers. Finally, in 1764, an uneasy peace settled over the Ohio Valley, though the basic issue of who would control the region remained unsettled; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 29-046/00-029.27 (29A040), (39.44324, -78.83744) locally known as Patterson Creek Bridge, carrying WV 46 over Patterson Creek in Mineral County, the "French & Indian War Veterans Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "French & Indian War Veterans 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 R. Thompson, Hicks, Rodighiero 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. 104** - "Requesting the Division of Highways name bridge number 50-037/13-001.96 (50A084), (38.18282, -82.40174) locally known as Peter Cave Arch, carrying CR 37/13 over East Fork Twelvepole Creek in Wayne County, the 'Hercie Maynard Memorial Bridge'."

Whereas, Hercie Marie Maynard was a successful business owner, a Christian, a wife, mother and grandmother, and a person devoted to supporting her community, Cabwaylingo State Park and natural places in general; and

Whereas, Hercie Maynard, who was married to Donald Maynard, an army veteran, operated Hercie Transport, which was in business more than 30 years; and

Whereas, Hercie Maynard shared her abundance by donating more than \$100,000 to help others in need; and

Whereas, Hercie Transport frequently provided transportation for disaster supplies destined to emergencies at home and in other states; and

Whereas, Since the late 1930s the Maynard Family Annual Reunion has been held at Cabwaylingo State Park; and

Whereas, In recognition of Hercie Maynard's long-term support of Cabwaylingo State Park and her devotion to conservation of woodlands, the United States Forest Service planted at the park a living memorial tree, a pin oak, in her honor; and

Whereas, Hercie Maynard reserved 3,000 acres of virgin timber owned by the family to protect the timber from cutting and to conserve the Wayne County forest and its wildlife in a natural state; and

Whereas, Hercie Maynard died April 8, 2008; and

Whereas, It is fitting that an enduring memorial be established to commemorate Hercie Maynard and her contributions to her community, state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 50-037/13-001.96 (50A084), (38.18282, -82.40174) locally known as Peter Cave Arch, carrying CR 37/13 over East Fork Twelvepole Creek in Wayne County, the "Hercie Maynard 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 "Hercie Maynard 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.

### **Bills Introduced**

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

**By Delegates Hanshaw (Mr. Speaker) and Miley**

**[By Request of the Executive]:**

**H. B. 4961** - "A Bill making a supplementary appropriation of Lottery Net Profits from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the Bureau of Senior Services - Lottery Senior Citizens Fund, fund 5405, fiscal year 2020, organization 0508, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020"; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Miley**

**[By Request of the Executive]:**

**H. B. 4962** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2020, to

the Public Service Commission, Consumer Advocate Fund, fund 8627, fiscal year 2020, organization 0926, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020"; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Miley**

**[By Request of the Executive]:**

**H. B. 4963** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2020, to the Department of Transportation, Division of Highways, A. James Manchin Fund, fund 8319, fiscal year 2020, organization 0803, and to the Department of Transportation, State Rail Authority, West Virginia Commuter Rail Access Fund, fund 8402, fiscal year 2020, organization 0804, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020"; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Miley**

**[By Request of the Executive]:**

**H. B. 4964** - "A Bill supplementing and amending by adding a new appropriation of federal funds out of the Treasury to the Department of Transportation, fund 8831, fiscal year 2020, organization 0807, by supplementing, amending and adding a new appropriation for the fiscal year ending June 30, 2020"; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Miley**

**[By Request of the Executive]:**

**H. B. 4965** - "A Bill supplementing and amending the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2020, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020"; to the Committee on Finance.

### **Special Calendar**

#### **Unfinished Business**

**H. C. R. 102**, Requiring the development of funding formulas for West Virginia's public institutions of higher education; coming up in regular order, as unfinished business, was reported by the Clerk and adopted.

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

#### **Third Reading**

**S. B. 573**, Supplementing, amending, and increasing appropriations of public moneys for claims against state; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 267**), 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: Azinger, Doyle and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 573) passed.



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

On this question, the yeas and nays were taken (**Roll No. 268**), 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: Azinger, Doyle and Little.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 573) takes effect from its passage.

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

**Com. Sub. for S. B. 623**, Allowing noncitizen of US be eligible for teaching certificate; 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. 269**), 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: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 623) passed.

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

On this question, the yeas and nays were taken (**Roll No. 270**), 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: Azinger, Little and Porterfield.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 623) takes effect from its passage.

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

**Com. Sub. for H. B. 2321**, Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder; on third reading, coming up in regular order, was read a third time.

Delegate Waxman requested to be excused from voting on Com. Sub. for H. B. 2321 under the provisions of House Rule 49 due to her son being a firefighter.

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.

Delegates Kessinger, Bibby, Steele, Linville, Nelson, Miller, J. Kelly, Jennings, Maynard, D. Jeffries and Angelucci also requested to be excused from voting on Com. Sub. for H. B. 2321 under the provisions of House Rule 49 due to similar circumstances and were not excused from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 271**), 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: Azinger, Little and Porterfield.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2321) 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. 3098**, Allowing the same business owner to brew and sell beer to also distill and sell liquor; 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. 272**), and there were—yeas 83, nays 14, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Bartlett, Butler, Cooper, Fast, D. Jeffries, Jennings, J. Kelly, Kump, Mandt, Pack, Rohrbach, Rowan, Toney and Worrell.

Absent and Not Voting: Azinger, Little and Porterfield.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3098) passed.

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

\* \* \* \* \*

### **Speaker Pro Tempore Cowles in the Chair**

\* \* \* \* \*

**Com. Sub. for H. B. 4001**, Creating West Virginia Impact Fund; on third reading, coming up in regular order, with an amendment pending and the general right to amend, was reported by the Clerk.

An amendment, offered by Delegates Householder and Bates, was reported by the Clerk.

Whereupon,

Delegate Householder obtained unanimous consent to withdraw the amendment.

An amendment, offered by Delegate Householder, was reported by the Clerk.

Whereupon,

Delegate Householder obtained unanimous consent to withdraw the amendment. Speaker Pro Tempore Cowles announced that there were two strike and insert amendments and that the amendments would each be explained, with the understanding that the adoption of one would preclude consideration of the other.

Delegate Hanshaw moved to amend the bill on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

**“ARTICLE 6E. WEST VIRGINIA IMPACT FUND.**

**§12-6E-1. Definitions.**

As used in this article, unless a different meaning clearly appears from the context:

‘Approved investment’ means a proposed investment in a final project as approved by the Investment Committee.

‘Approved project proposal’ means a project proposal that has been approved by the Investment Committee.

‘Final project’ means the final project or investment product developed by a selected manager.

‘Investment Committee’ means the committee established in §12-6E-4 of this code.

‘Investment Management Board’ means the West Virginia Investment Management Board established under §12-6-1, et seq. of this code.

‘Mountaineer Impact Office’ means the agency and government instrumentality of the State of West Virginia established under §12-6E-6 of this code to implement, invest and administer the assets transferred from the West Virginia Impact Fund to the Investment Committee.

‘Project proposal’ means a proposal for a particular project identified by the Mountaineer Impact Office to implement the goal of the West Virginia Impact Fund described in §12-6E-3 of this code.

‘Selected manager’ means one or more asset or project managers selected by the Mountaineer Impact Office under §12-6E-6 of this code.

‘West Virginia Impact Fund’ means the fund established in §12-6E-2 of this code.

**§12-6E-2. West Virginia Impact Fund.**

(a) There is hereby created within the State Treasury a special revenue account, designated the ‘West Virginia Impact Fund’ to be administered by the Governor for the purposes set forth in this article.

(b) The fund shall consist of all moneys made available for the purposes of this article from any source, including, but not limited to, any moneys that may be appropriated and designated for those purposes by the Legislature; all interest or other return earned or received from investment of the fund; any moneys which the fund is authorized to receive under any provision of this code for the purposes of this article; all gifts, grants, bequests or transfers made to the fund from any source; all interest or other return received from the Investment Committee’s deposits or investments, as provided by this article; and any other funds which the Investment Committee directs to be deposited into the fund. Expenditures from the fund shall be made by transfer to the Investment Committee solely for the purposes set forth in this article pursuant to resolution of the Investment Committee adopted under §12-6E-3 of this code. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund and be expended as provided by this article. The funds contained in the fund shall be available for appropriation by the legislature.

**§12-6E-3. Purpose and goal; investment standards.**

(a) The purpose of this article is to continue the efforts of this state to further economic development, infrastructure development, and job creation in the State of West Virginia for the public benefit. It is not the intent of this article that the state compete with private entities by investing in projects to further economic development, infrastructure development and job creation for the public benefit where private capital investment is available for that purpose, but where private capital is not available for major investments to further that purpose, it is in the public interest that the state act to facilitate those major investments. To that end, it is necessary that the state provide the opportunity and support for major investments of capital in this state for projects that would not otherwise be expected to attract private investment in the usual course of business transactions without state sponsorship of and partnership in the investments. The establishment and functions of the West Virginia Impact Fund, the Investment Committee, and the Mountaineer Impact Office as provided in this article are intended to facilitate these investments.

(b) The assets of the West Virginia Impact Fund, upon transfer to the Investment Committee as provided by this article, may be:

(1) Invested in any final project presented by the Mountaineer Impact Office under this article that is approved by resolution of the Investment Committee that requires an aggregate investment of moneys in the project of not less than \$25 million by either the Investment Committee, as sole investor, or by the Investment Committee and one or more co-investors, public or private, with the goal of furthering economic development, infrastructure development and job creation in the State of West Virginia; and

(2) Expended by the Investment Committee in such amounts necessary to provide for the payment of expenses incurred in the administration of this article.

(c) The Mountaineer Impact Office shall identify specific project proposals for projects, which may be single target companies, blind pool investment funds or other, to implement the goal of the West Virginia Impact Fund.

(d) The Mountaineer Impact Office shall present such project proposals for approval or disapproval to the Investment Committee pursuant to §12-6E-6 of this code.

(e) When determining whether to approve a final project, the Investment Committee shall take into consideration:

(1) The ability of the project to leverage other sources of funding;

(2) Whether investment funding for the project from other sources, public or private, is available or could otherwise reasonably be expected to be available without the state's participation in the investment made under this article.

(3) The ability of the project to create or retain jobs, considering the number of jobs, the type of jobs, whether benefits are or will be paid, the type of benefits involved, and the compensation reasonably anticipated to be paid to persons filling new jobs or the compensation currently paid to persons whose jobs would be retained;

(4) Whether, and the extent to which, the project will promote economic development, infrastructure development, and job creation in the state; and

(5) Whether the project is in the best interest of the public.

(f) The Investment Committee may not approve a project or accept funding from or participation in any investment by a potential partner, investor, or entity when such approval or participation would violate the laws of the United States or the laws of the State of West Virginia, or where such approval or participation would provide aid or comfort to any designated enemy of the United States or the agent of any regime determined by the United States Government to be a narcotics trafficking, totalitarian, or other criminal regime.

**§12-6E-4. Establishment of the Investment Committee; appointments; removal; vacancy; quorum.**

(a) There is hereby created the Investment Committee, as an agency of the State of West Virginia, to manage the investment of the assets transferred to the Investment Committee from the West Virginia Impact Fund.

(b) The Investment Committee shall consist of seven voting members. The President of the Senate and the Speaker of the House of Delegates shall serve *ex officio* as non-voting members. The voting members shall consist of:

(1) The Governor and the Secretary of the Department of Commerce, or their designees shall serve as members of the Investment Committee. They shall serve by virtue of their office and are not entitled to compensation under the provisions of this article. The Governor and the Secretary of the Department of Commerce or their designees are subject to all duties, responsibilities and requirements of the provisions of this article, including, but not limited to, the provisions of paragraph (A), subdivision (2) of this subsection and subdivision (3) of this subsection.

(2)(A) Five members of the Investment Committee shall be appointed by the Governor, with the advice and consent of the Senate. The terms of the appointed members shall be three years, subject to the following: The initial appointment of one member shall be for a term of one year; the initial appointment of two members shall be for terms of two years; and the initial appointment of two members shall be for terms of three years. At the end of each member's term, the Governor may reappoint, or appoint a successor, who shall serve for a term ending on the thirty-first day of January in the third year following the year of his or her appointment. Except for vacancy appointments made pursuant to this paragraph, all subsequent appointments shall be for terms ending on the thirty-first day of January in the third year following the expiration of the prior term for the position to which the appointment is made. No more than three of the five appointed members may belong to the same political party. In the event of a vacancy among the trustees, the Governor shall promptly make an appointment to fill the unexpired term.

(B) The Governor may remove any appointed member in case of gross negligence or misfeasance and may declare that position vacant and may appoint a person for the vacancy as provided in this subsection. A removal by the Governor must be in writing and must state the reason for the removal. A member who is removed by the Governor may not participate in Investment Committee business and may not be counted for purposes of establishing a quorum after the member receives written notice of removal from the Governor.

(C) The appointed members may not hold any other state or federal office, position or employment, either elective or appointive, except as a member of the armed forces of either the United States or of this state or as a member of a governing board of an institution of higher education of this state, and must have recognized competence and experience in finance, investments, or other business management-related fields.

(3) Each appointed member is entitled to receive and, at the member's option, the Investment Committee shall pay to the member compensation in the amount of \$400 for each day on which the member attended a meeting of the Investment Committee. In addition, all appointed members shall receive reasonable and necessary expenses actually incurred in discharging member duties pursuant to this article.

(c) The Investment Committee may continue to act notwithstanding any vacancy.

(d) The presence of four voting members of the Investment Committee shall constitute a quorum for the exercise of any authority granted to the Investment Committee in this article. Action may be taken only upon affirmative vote of four voting members of the Investment Committee, which vote may be in person or in writing.

**§12-6E-5. Powers and duties of Investment Committee; disclosure of interests; standard of care.**

(a) The Investment Committee shall have the authority to (1) appoint the managing director of the Mountaineer Impact Office, (2) approve or disapprove project proposals, (3) approve or disapprove the negotiated terms of any proposed investment of funds held by the Investment Committee in any final project, (4) approve or disapprove of the managing director's appointment of employees and retention of consultants to carry out the duties of the Mountaineer Impact Office, (5) initiate the formation of legal entities with their own governance structure to facilitate the development of projects; and (6) participate in the formation of legal entities with their own governance structure to facilitate the development of projects.

(b) The Investment Committee shall approve or disapprove project proposals and the negotiated terms of a proposed investment in any final project solely pursuant to its determination of whether the projects or the negotiated terms of the proposed investment in the final project meet the goal prescribed in §12-6E-3 of this code.

(c) The Investment Committee may, in its own right or through the Mountaineer Impact Office:

(1) Adopt and use a common seal and alter it at pleasure;

(2) Sue and be sued;

(3) Enter into contracts and execute and deliver instruments;

(4) Acquire (by purchase, gift or otherwise), hold, use and dispose of real and personal property, deeds, mortgages, and other instruments;

(5) Notwithstanding any other provision of law, retain and employ legal, accounting, financial and investment advisors, and consultants;

(6) Maintain accounts with banks, securities dealers, and financial institutions both within and outside this state;

(7) Exercise all powers generally granted to and exercised by the holders of investment securities with respect to management of the investment securities;

(8) Contract with one or more banking institutions in or outside the state for the custody, safekeeping and management of securities held by the committee;

(9) Make and, from time to time, amend and repeal bylaws, rules and procedures consistent with the provisions of this article;

(10) Hire its own employees, consultants, managers, and advisors as it considers necessary and fix their compensation and prescribe their duties;

(11) Develop, implement and maintain its own banking accounts and investments; and

(12) Do all things necessary to implement and operate the Investment Committee and the Mountaineer Impact Office and carry out the intent of this article;

(d) *Disclosure of interests.* — If a member of the Investment Committee acquires, owns, or controls an interest, direct or indirect, in any final project in which West Virginia Impact Fund assets are invested or proposed to be invested, the member shall immediately disclose the interest to the Investment Committee and shall be recused from voting on the matter in accordance with the provisions of the West Virginia Governmental Ethics Act. The disclosure is a matter of public record and shall be included in the minutes of the Investment Committee meeting next following the disclosure.

(e) *Standard of care.* — When making decisions, the Investment Committee shall exercise the judgment and care under the circumstances then prevailing that an institutional investor of ordinary prudence, discretion, and intelligence exercises in the designation and management of large investments entrusted to it, not in regard to speculation, but in regard to the permanent disposition of funds, considering preservation of the purchasing power of the West Virginia Impact Fund over time, while maximizing the expected total return from both income and the appreciation of capital and accomplishing the goal of the West Virginia Impact Fund as set forth in §12-6E-3 of this code.

**§12-6E-6. Establishment of the Mountaineer Impact Office; managing director; project proposals; monitoring performance; consultation with Investment Management Board; insurance.**

(a) There is hereby created the Mountaineer Impact Office. The Mountaineer Impact Office is an agency and instrumentality of the State of West Virginia managed by the Investment Committee. The purpose of the Mountaineer Impact Office is to implement, invest and administer the assets transferred to the Investment Committee from the West Virginia Impact Fund.

(b) The Investment Committee shall appoint a managing director, as a state employee, to manage the affairs of the Mountaineer Impact Office. The managing director shall have a strong background in business and significant experience in investments and the development of projects.

(c) The salary of the managing director is not restricted by state compensation rules but shall be determined by the Governor in accordance with customary salaries for officers and directors with similar responsibilities and experience in the private sector.

(d) The managing director may, with the approval of the Investment Committee, appoint permanent or temporary employees and/or retain consultants to carry out the duties of the Mountaineer Impact Office. An employee of the Mountaineer Impact Office, including the managing director, may not be a member of the Investment Committee.

(e) The Mountaineer Impact Office shall identify specific proposals for projects, which may be single target companies, blind pool investment funds or other, to implement the goal prescribed in §12-6E-3 of this code.

(f) The Mountaineer Impact Office shall present such project proposals for approval or disapproval to the Investment Committee.

(g) The Mountaineer Impact Office shall establish a procurement process for selecting one or more selected managers to develop final projects in accordance with each approved project proposal. This procurement process shall be streamlined and efficient and is not required to comply with §5A-3-1 et seq. of this code. Pursuant to the procurement process, the Mountaineer Impact Office shall identify, procure and enter into a non-binding memorandum of understanding with a selected manager to develop a final project in accordance with each approved project proposal.

(h) The Mountaineer Impact Office shall, with the selected manager, negotiate the terms and amount of any proposed investment of funds held by the Investment Committee in any final project.

(i) The Mountaineer Impact Office shall present such final negotiated terms and amount of a proposed investment in a final project for approval or disapproval to the Investment Committee, together with any disclosures of conflicts of interest in the proposed investment as required pursuant to §12-6E-5(d) of this code.

(j) The Mountaineer Impact Office shall monitor the qualitative and quantitative performance of each approved investment on an ongoing basis, with respect to the goal of investments prescribed in §12-6E-3 of this code, including without limitation, the exit and termination of each approved investment.

(k) The Mountaineer Impact Office may consult the Investment Management Board about investments made or proposed under this article.

(l) The Mountaineer Impact Office may exercise all powers necessary or appropriate to carry out the duties or responsibilities conferred upon it by law or the Investment Committee under the provisions of this article.

(m) The Mountaineer Impact Office shall procure and maintain in effect, for the benefit of the members of the Investment Committee, commercially customary property, liability, crime, and other insurance to cover risks of loss from the operations of the Investment Committee. The types and amounts of the insurance coverages shall be determined by the Mountaineer Impact Office, from time to time, in its reasonable discretion, with reference to the types and amounts of insurance coverages purchased or maintained by other public institutions performing functions similar to those performed by the Investment Committee, and in an amount of not less than \$10 million. The Investment Committee may require that appropriate types and amounts of insurance be procured and maintained by, or a fiduciary or surety bond from a surety company qualified to do business in this state for, any person who has charge of, or access to, any securities, funds or other moneys held by the Investment Committee and the amount of the fiduciary or surety bond shall be fixed by the Investment Committee. The premiums payable on any insurance or fiduciary or surety bonds that the Committee may require, from time to time, shall be an expense of the Committee.

#### **§12-6E-7. Computation of income; audits; annual report.**

(a) The Mountaineer Impact Office shall cause the income from investments made by the Investment Committee to be deposited back into the West Virginia Impact Fund, net of amounts determined by the Investment Committee to be necessary to provide for the payment of expenses incurred in the administration of this article.



(b) The Mountaineer Impact Office shall compute the net income of the Investment Committee's investments annually as of the last day of the fiscal year in accordance with generally accepted accounting principles, excluding any unrealized gains or losses.

(c) The Mountaineer Impact Office shall annually cause combined annual financial and compliance audits of the assets in the West Virginia Impact Fund, and of the moneys transferred to and held by the Investment Committee, to be made by a certified public accounting firm which has a minimum staff of ten certified public accountants and which is a member of the American institute of certified public accountants and, if doing business in West Virginia, a member of the West Virginia society of certified public accountants. The Mountaineer Impact Office shall cause copies of the audits report to be furnished to the Governor, State Treasurer, State Auditor, President of the Senate, and the Speaker of the House of Delegates.

(d) By December 1 of each year, the Mountaineer Impact Office shall publish a report of the Investment Committee investments for distribution to the Governor, the President of the Senate, the Speaker of the House of Delegates, and the public. The Mountaineer Impact Office shall notify the Legislature that the report is available and otherwise comply with §4-1-23 and §5-1-20 of this code.

(e) The report published pursuant to subsection (d) of this section must include financial statements audited by independent outside auditors, a statement of the amount of money received by the Investment Committee and the West Virginia Impact Fund from each investment during the period covered, a statement of investments by the Investment Committee, including an appraisal at market value, a description of investment activities during the period covered by the report, a comparison of the investment performance with the intended goal contained in §12-6E-3 of this code and any other information the Mountaineer Impact Office determines would be in the public interest upon which the efforts of the Investment Committee and the Mountaineer Impact Office to meet the goals and objectives of this article may be measured.

(f) The reports described in this section shall be public record.

#### **§12-6E-8. Role of the Investment Management Board; immunity from liability.**

The Investment Committee or the Mountaineer Impact Office may consult the Investment Management Board regarding their activities. To the extent the Investment Management Board determines that to do so is not inconsistent with its duties and responsibilities imposed by this code, it may consult with Investment Committee or the Mountaineer Impact Office regarding those activities. The Investment Management Board's trustees, advisors, officers and employees are not liable personally, either jointly or severally, for any debt or obligation created by the Investment Committee or the Mountaineer Impact Office, nor shall the Investment Management Board or its trustees, advisors, officers or employees be liable for any consultative advice, guidance or services that it may provide from time to time under this article.

#### **§12-6E-9. Immunities of Investment Committee and Mountaineer Impact Office; exemptions.**

(a) The doctrine and principles of sovereign immunity extend to the West Virginia Impact Fund, the Mountaineer Impact Office, the Investment Committee and their operations.

(b) The members, advisors, officers, and employees of the Investment Committee and the Mountaineer Impact Office are not liable personally, either jointly or severally, for any debt or obligation created by the Investment Committee or the Mountaineer Impact Office: *Provided*, That the members, advisors, officers, and employees are liable for acts of misfeasance or gross negligence.

(c) The assets held by the Investment Committee in any account are exempt from all taxes and assessments in the State of West Virginia. All security instruments issued by the Investment Committee or the Mountaineer Impact Office, their transfer, and their income are exempt from all taxes and assessments in the State of West Virginia. No provision of this section may be construed to exempt from taxation any property, real or personal, that may be owned or otherwise held as a result of an investment made under this article. No provision of this section may be construed to exempt from taxation any income or other return derived by any entity other than the state as the result of an investment made under this article. No provision of this section may be construed to exempt from taxation any business activities resulting from an investment made under this article.

#### **§12-6E-10. Political activities.**

The resources of the West Virginia Impact Fund, the Investment Committee and the Mountaineer Impact Office may not be used to finance or influence political activities.

#### **§12-6E-11. Confidential information.**

The reports described in §12-6E-7 of this code shall be public record. If the standard confidentiality agreements, policies or procedures of a private enterprise or investor with which an investment in a project is proposed or made prohibit, restrict or limit the disclosure of information pertaining to the investment, the information is confidential and shall not form part of the public record and is exempt from disclosure under the provisions of chapter twenty-nine-b of this code. Such information may be publicly disclosed only for the purposes of an official law enforcement investigation or when its production is required in a court proceeding.”

Following the explanation of the amendment by Delegate Hanshaw, Delegate Butler explained an amendment offered by Delegates Wilson, Waxman, Butler, and Barnhart amending the bill by striking out everything after the enacting clause and inserting the following:

### **“ARTICLE 6E. WEST VIRGINIA IMPACT FUND.**

#### **§12-6E-1. Definitions.**

As used in this article, unless a different meaning clearly appears from the context:

‘Approved investment’ means a proposed investment in a final project as approved by the Board of Private Investors.

‘Approved project proposal’ means a project proposal that has been approved by the Board of Private Investors.

‘Final project’ means the final project or investment product developed by a selected manager.

‘Board of Private Investors’ means the board established in §12-6E-4 of this code.

‘Mountaineer Impact Office’ means the agency of the Board of Private Investors established under §12-6E-6 of this code to implement, invest and administer the assets transferred from the West Virginia Impact Fund as determined by the Board of Private Investors.

‘Project proposal’ means a proposal for a particular project identified by the Board of Private Investors to implement the goal of the West Virginia Impact Fund described in §12-6E-3 of this code.

‘Member Investor’ means the entities who invest in the West Virginia Impact Fund.

'Selected manager' means one or more asset or project managers selected by the Mountaineer Impact Office under §12-6E-6 of this code.

'West Virginia Impact Fund' means the fund established in §12-6E-2 of this code.

### **§12-6E-2. West Virginia Impact Fund.**

(a) There is hereby created within the State Treasury a special revenue account, designated the 'West Virginia Impact Fund' to be administered by the Director of the Mountaineer Impact Office at the direction of the Board of Private Investors.

(b) The fund shall consist of all moneys made available for the purposes of this article from any source, specifically to exclude appropriations of the Legislature and, or, any other public funds; all interest or other return earned or received from investment of the fund; any moneys which the fund is authorized to receive under any provision of this code for the purposes of this article; all gifts, grants, bequests or transfers made to the fund from any source; all interest or other return received from the Board of Private Investors deposits or investments, as provided by this article; and any other funds which the Board of Private Investors directs to be deposited into the fund. Expenditures from the fund shall be made by transfer to the Board of Private Investors solely for the purposes set forth in this article pursuant to resolution of the Board of Private Investors adopted under §12-6E-3 of this code. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund and be expended as provided by this article.

### **§12-6E-3. Purpose and goal; investment standards.**

(a) The purpose of this article is to continue the efforts of this state to further economic development, infrastructure development, and job creation in the State of West Virginia for the public benefit. It is not the intent of this article that the state compete with private entities by investing in projects to further economic development, infrastructure development and job creation for the public benefit where private capital investment is available for that purpose, but where private capital is not available for major investments to further that purpose, it is in the public interest that the state act to facilitate those major investments. To that end, it is necessary that the state provide the opportunity and support for major investments of capital in this state for projects that would not otherwise be expected to attract private investment in the usual course of business transactions without the structure to facilitate these investments. The establishment and functions of the West Virginia Impact Fund, the Board of Private Investors, and the Mountaineer Impact Office as provided in this article are intended to facilitate these investments.

(b) The assets of the West Virginia Impact Fund, upon transfer to the Private Investors Board as provided by this article, shall be:

(1) Invested in any final project presented by the Mountaineer Impact Office under this article that is approved by resolution of the Board of Private Investors that requires an aggregate investment of moneys in the project of not less than \$25 million by either the Board of Private Investors, as sole investor, or by the Board of Private Investors and one or more co-investors with the goal of furthering economic development, infrastructure development and job creation in the State of West Virginia; and

(2) Expended by the Board of Private Investors in such amounts necessary to provide for the payment of expenses incurred in the administration of this article.

(c) The Mountaineer Impact Office shall identify specific project proposals for projects, which may be single target companies, blind pool investment funds or other, to implement the goal of the West Virginia Impact Fund.

(d) The Mountaineer Impact Office shall present such project proposals for approval or disapproval to the Board of Private Investors pursuant to §12-6E-6 of this code.

(e) When determining whether to approve a final project, the Board of Private Investors shall take into consideration:

(1) The ability of the project to leverage other sources of funding;

(2) Whether investment funding for the project from other sources is available or could otherwise reasonably be expected to be available without participation in this program.

(3) The ability of the project to create or retain jobs, considering the number of jobs, the type of jobs, whether benefits are or will be paid, the type of benefits involved, and the compensation reasonably anticipated to be paid to persons filling new jobs or the compensation currently paid to persons whose jobs would be retained;

(4) Whether, and the extent to which, the project will promote economic development, infrastructure development, and job creation in the state; and

(5) Whether the project is in the best interest of the public.

**§12-6E-4. Establishment of the Board of Private Investors; appointments; removal; vacancy; quorum.**

(a) There is hereby created the Board of Private Investors, as an agency in the State of West Virginia, to manage the investment of the assets transferred to the Board of Private Investors from the West Virginia Impact Fund.

(b) The Board of Private Investors manages the investments of the Member Investors. Board of Private Investors members are required to be citizens of the United States selected by Member Investors to represent them. The total number of Board of Private Investors members shall be an odd number not to exceed eleven. The representation allotted to each Member Investor shall be commensurate with the amount of that Member Investor's investment as a percentage of the total amount invested in the Mountaineer Impact Fund. The Governor, or his designated representative, the President of the Senate, and the Speaker of the House of Delegates shall serve ex officio as non-voting members of the Board of Private Investors. Notwithstanding their non-voting status the ex officio members retain veto power over all Board of Private Investors decisions when any two agree to the veto. The ex officio members shall veto any decision of the Board of Private Investors that is contrary to United States or West Virginia law, or that provides aid or comfort to any designated enemy of the United States or the agents of any regime determined by the United States Government to be a narcotics trafficking, totalitarian or other criminal regime. The Board of Private Investors has the right of appeal any veto to the Joint Committee on Government and Finance. Upon appeal, the Senate President and the Speaker of the House shall assemble the committee and make a final determination.

(c) No individual voting member of the Board of Private Investors may hold any other state or federal office, position or employment either elective or appointive and must have recognized competence and experience in finance, investments, or other business management-related fields.

(3) The Board of Private Investors may continue to act notwithstanding any vacancy.

(c) The presence of three-fourths of the members of the Board of Private Investors shall constitute a quorum for the exercise of any authority granted in this article to the Board of Private Investors. Action may be taken only upon affirmative vote of four voting members of the Board of Private Investors, which vote may be in person or in writing. Any change to the structure, purpose, personnel, rules, or operation parameters of the Board of Private Investors must be approved through the Legislative rule-making process, pursuant to §29A-3-1 *et seq.* of this code, with a minimum of two-thirds of the members present voting in favor of the proposed change.

**§12-6E-5. Powers and duties of Board of Private Investors; disclosure of interests; standard of care.**

(a) The Board of Private Investors shall have the authority to (1) appoint the managing director of the Mountaineer Impact Office, (2) approve or disapprove project proposals, (3) approve or disapprove the negotiated terms of any proposed investment of funds held by the Board of Private Investors in any final project, and (4) approve or disapprove of the managing director's appointment of employees and retention of consultants to carry out the duties of the Mountaineer Impact Office.

(b) The Board of Private Investors shall approve or disapprove project proposals and the negotiated terms of a proposed investment in any final project solely pursuant to its determination of whether the projects or the negotiated terms of the proposed investment in the final project meet the goal prescribed in §12-6E-3 of this code. The Board of Private Investors shall not approve any proposal that is contrary to United States federal or West Virginia law, or that provides aid or comfort to any designated enemy of the United States of America or the agent of any regime determined by the United States Government to be a narcotics trafficking, totalitarian, or other criminal regime.

(c) The Board of Private Investors may, in its own right or through the Mountaineer Impact Office:

(1) Adopt and use a common seal and alter it at pleasure;

(2) Sue and be sued;

(3) Enter into contracts and execute and deliver instruments;

(4) Acquire (by purchase, gift or otherwise), hold, use and dispose of real and personal property, deeds, mortgages, and other instruments;

(5) Notwithstanding any other provision of law, retain and employ legal, accounting, financial and investment advisors, and consultants;

(6) Maintain accounts with banks, securities dealers, and financial institutions both within and outside this state;

(7) Exercise all powers generally granted to and exercised by the holders of investment securities with respect to management of the investment securities;

(8) Contract with one or more banking institutions in or outside the state for the custody, safekeeping and management of securities held by the committee;

(9) Make and, from time to time, amend and repeal bylaws, rules and procedures consistent with the provisions of this article;

(10) Hire its own employees, consultants, managers, and advisors as it considers necessary and fix their compensation and prescribe their duties;

(11) Develop, implement and maintain its own banking accounts and investments; and

(12) Do all things necessary to implement and operate the Board of Private Investors and the Mountaineer Impact Office and carry out the intent of this article;

(d) *Disclosure of interests.* - If a member of the Board of Private Investors acquires, owns, or controls an interest, direct or indirect, in any final project in which West Virginia Impact Fund assets are invested or proposed to be invested, the member shall immediately disclose the interest to the Board of Private Investors and shall be recused from voting on the matter in accordance with the provisions of the West Virginia Governmental Ethics Act. The disclosure is a matter of public record and shall be included in the minutes of the Board of Private Investors meeting next following the disclosure.

(e) *Standard of care.* - When making decisions, the Board of Private Investors shall exercise the judgment and care under the circumstances then prevailing that an institutional investor of ordinary prudence, discretion, and intelligence exercises in the designation and management of large investments entrusted to it, not in regard to speculation, but in regard to the permanent disposition of funds, considering preservation of the purchasing power of the West Virginia Impact Fund over time, while maximizing the expected total return from both income and the appreciation of capital and accomplishing the goal of the West Virginia Impact Fund as set forth in §12-6E-3 of this code.

**§12-6E-6. Establishment of the Mountaineer Impact Office; managing director; project proposals; monitoring performance; consultation with Investment Management Board; insurance.**

(a) There is hereby created the Mountaineer Impact Office. The Mountaineer Impact Office is an agency and instrumentality of the State of West Virginia managed by the Board of Private Investors. The purpose of the Mountaineer Impact Office is to implement, invest and administer the assets transferred to the Board of Private Investors from the West Virginia Impact Fund.

(b) The Board of Private Investors shall appoint a managing director, as a state employee, to manage the affairs of the Mountaineer Impact Office. The managing director shall have a strong background in business and significant experience in investments and the development of projects.

(c) The salary of the managing director is not restricted by state compensation rules but shall be determined by the Governor in accordance with customary salaries for officers and directors with similar responsibilities and experience in the private sector.

(d) The managing director may, with the approval of the Board of Private Investors, appoint permanent or temporary employees and/or retain consultants to carry out the duties of the Mountaineer Impact Office. An employee of the Mountaineer Impact Office, including the managing director, may not be a member of the Board of Private Investors.

(e) The Mountaineer Impact Office shall identify specific proposals for projects, which may be single target companies, blind pool investment funds or other, to implement the goal prescribed in §12-6E-3 of this code.

(f) The Mountaineer Impact Office shall present such project proposals for approval or disapproval to the Board of Private Investors.

(g) The Mountaineer Impact Office shall establish a procurement process for selecting one or more selected managers to develop final projects in accordance with each approved project proposal. This procurement process shall be streamlined and efficient and is not required to comply with §5A-3-1 *et seq.* of this code. Pursuant to the procurement process, the Mountaineer Impact Office shall identify, procure and enter into a non-binding memorandum of understanding with a selected manager to develop a final project in accordance with each approved project proposal.

(h) The Mountaineer Impact Office shall, with the selected manager, negotiate the terms and amount of any proposed investment of funds held by the Board of Private Investors in any final project.

(i) The Mountaineer Impact Office shall present such final negotiated terms and amount of a proposed investment in a final project for approval or disapproval to the Board of Private Investors, together with any disclosures of conflicts of interest in the proposed investment as required pursuant to §12-6E-5(d) of this code.

(j) The Mountaineer Impact Office shall monitor the qualitative and quantitative performance of each approved investment on an ongoing basis, with respect to the goal of investments prescribed in §12-6E-3 of this code, including without limitation, the exit and termination of each approved investment.

(k) The Mountaineer Impact Office may consult the Investment Management Board about investments made or proposed under this article.

(l) The Mountaineer Impact Office may exercise all powers necessary or appropriate to carry out the duties or responsibilities conferred upon it by law or the Board of Private Investors under the provisions of this article.

(m) The Mountaineer Impact Office shall procure and maintain in effect, for the benefit of the members of the Board of Private Investors, commercially customary property, liability, crime, and other insurance to cover risks of loss from the operations of the Board of Private Investors. The types and amounts of the insurance coverages shall be determined by the Mountaineer Impact Office, from time to time, in its reasonable discretion, with reference to the types and amounts of insurance coverages purchased or maintained by other public institutions performing functions similar to those performed by the Board of Private Investors, and in an amount of not less than \$10 million. The Board of Private Investors may require that appropriate types and amounts of insurance be procured and maintained by, or a fiduciary or surety bond from a surety company qualified to do business in this state for, any person who has charge of, or access to, any securities, funds or other moneys held by the Board of Private Investors and the amount of the fiduciary or surety bond shall be fixed by the Board of Private Investors. The premiums payable on any insurance or fiduciary or surety bonds that the Committee may require, from time to time, shall be an expense of the Committee.

#### **§12-6E-7. Computation of income; audits; annual report.**

(a) The Mountaineer Impact Office shall cause the income from investments made by the Board of Private Investors to be deposited back into the West Virginia Impact Fund, net of amounts determined by the Board of Private Investors to be necessary to provide for the payment of expenses incurred in the administration of this article.

(b) The Mountaineer Impact Office shall compute the net income of the Board of Private Investors's investments annually as of the last day of the fiscal year in accordance with generally accepted accounting principles, excluding any unrealized gains or losses.

(c) The Mountaineer Impact Office shall annually cause combined annual financial and compliance audits of the assets in the West Virginia Impact Fund, and of the moneys transferred to and held by the Board of Private Investors, to be made by a certified public accounting firm which has a minimum staff of ten certified public accountants and which is a member of the American institute of certified public accountants and, if doing business in West Virginia, a member of the West Virginia society of certified public accountants. The Mountaineer Impact Office shall cause copies of the audits report to be furnished to the Governor, State Treasurer, State Auditor, President of the Senate, and the Speaker of the House of Delegates.

(d) By December 1 of each year, the Mountaineer Impact Office shall publish a report of the Board of Private Investors investments for distribution to the Governor, the President of the Senate, the Speaker of the House of Delegates, and the public. The Mountaineer Impact Office shall notify the Legislature that the report is available and otherwise comply with §4-1-23 and §5-1-20 of this code.

(e) The report published pursuant to subsection (d) of this section must include financial statements audited by independent outside auditors, a statement of the amount of money received by the Board of Private Investors and the West Virginia Impact Fund from each investment during the period covered, a statement of investments by the Board of Private Investors, including an appraisal at market value, a description of investment activities during the period covered by the report, a comparison of the investment performance with the intended goal contained in §12-6E-3 of this code and any other information the Mountaineer Impact Office determines would be in the public interest upon which the efforts of the Board of Private Investors and the Mountaineer Impact Office to meet the goals and objectives of this article may be measured.

(f) The reports described in this section shall be public record.

#### **§12-6E-8. Role of the Investment Management Board.**

The Board of Private Investors or the Mountaineer Impact Office may consult the Investment Management Board regarding their activities. To the extent the Investment Management Board determines that to do so is not inconsistent with its duties and responsibilities imposed by this code, it may consult with Board of Private Investors or the Mountaineer Impact Office regarding those activities.

#### **§12-6E-9. Immunities and exemptions.**

(a) The doctrine and principles of sovereign immunity extend to the West Virginia Impact Fund, the Mountaineer Impact Office, the Board of Private Investors and their operations.

(b) The members, advisors, officers, and employees of the Board of Private Investors, the Mountaineer Impact Office and the Investment Management Board are not liable personally, either jointly or severally, for any debt or obligation created by the Board of Private Investors or the Mountaineer Impact Office: *Provided*, That the members, advisors, officers, and employees are liable for acts of misfeasance or gross negligence.

(c) The assets held by the Board of Private Investors in any account are exempt from all taxes and assessments in the State of West Virginia. All security instruments issued by the Board of Private Investors or the Mountaineer Impact Office, their transfer, and their income are exempt from all taxes and assessments in the State of West Virginia.

#### **§12-6E-10. Political activities.**



The resources of the West Virginia Impact Fund, the Board of Private Investors and the Mountaineer Impact Office may not be used to finance or influence political activities.

**§12-6E-11. Confidential information.**

The reports described in §12-6E-7 of this code shall be public record. If the standard confidentiality agreements, policies or procedures of a private enterprise or investor with which an investment in a project is proposed or made prohibit, restrict or limit the disclosure of information pertaining to the investment, the information is confidential and shall not form part of the public record and is exempt from disclosure under the provisions of chapter twenty-nine-b of this code. Such information may be publicly disclosed only for the purposes of an official law enforcement investigation or when its production is required in a court proceeding.”

The House then proceeded to consider amendments to the amendment offered by Delegate Hanshaw.

Delegates Wilson, Waxman, Butler, and Barnhart moved to amend the amendment on page four, section three, line forty-seven, by inserting, after the words “narcotics trafficking.”; the words “human trafficking, sponsor of terrorism.”.

The question being on the adoption of the amendment to the amendment, the same was put and prevailed.

Delegates Wilson, Waxman, Butler, and Barnhart moved to amend the amendment on page six, section four, line forty-six, by inserting, after the words “in writing.”; “Any change to the structure, purpose, personnel, rules, or operating parameters of the Investment Committee must be approved through the Legislative Rule Making Process with a minimum of two-thirds of the members present voting in favor of the proposed change.”

Whereupon,

Delegate Wilson asked and obtained unanimous consent to reform the amendment, as follows:

On page six, section four, line forty-six, by inserting, after the words “in writing.”; “Any change to the structure, purpose, personnel, rules, or operating parameters of the Investment Committee must be approved through the Legislative Rule Making Process with a minimum of two-thirds of the members of each house present voting in favor of the proposed change.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 273**), and there were—yeas 7, nays 90, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Barnhart, Bibby, Butler, P. Martin, Paynter, Waxman and Wilson.

Absent and Not Voting: Azinger, Little and Staggers.

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

An amendment, offered by Delegates Wilson, Waxman, Butler, Bibby, and Barnhart was reported by the Clerk.

Whereupon,

Delegate Wilson obtained unanimous consent to withdraw the amendment.

On motion of Delegate Miley, the amendment, was amended on page thirteen, section ten, line one, prior to the beginning of the sentence by inserting the subsection designation "(a)".

And,

On page thirteen, section ten, line two, following the period, by inserting the following:

"(b) A public official, or an immediate family member thereof, shall not intentionally or knowingly hold a financial interest in any project pursuant to this article, or hold a financial interest in a holding company, affiliate, intermediary or subsidiary thereof that owns an interest in a project authorized pursuant to this article, while the individual is a public official and for one year following termination of the individual's status as a public official. For the purposes of this section, the term "financial interest" does not include ownership of shares of mutual funds or other similar investment instruments in which the owner of such shares of mutual fund or other similar investment instrument has no decision making authority to what business decisions are made by those managing the investment."

Delegates Wilson, Waxman, Butler, and Barnhart moved to amend the amendment on page two, section two, line six, by inserting, after the words "by the Legislature"; the words ": *Provided*, That any funds appropriated by the Legislature shall be expended for the staff and administrative resources necessary to operate the Mountaineer Impact Office and expenses incurred by the Investment Committee, including per diem and travel expenses".

The question before the House being the adoption of the amendment to the amendment, the same was put and did not prevail.

The strike and insert amendment offered by Delegate Hanshaw, as amended, was then adopted.

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 274**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Butler, Dean, McGeehan and Paynter.

Absent and Not Voting: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4001) passed.

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

**Com. Sub. for H. B. 4001** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-6E-1, §12-6E-2, §12-6E-3, §12-6E-4, §12-6E-5, §12-6E-6, §12-6E-7, §12-6E-8, §12-6E-9, §12-6E-10 and §12-6E-11, all relating to creating West Virginia Impact Fund, Investment Committee and Mountaineer Impact Office to invest funds in certain projects with the goal of furthering economic development, infrastructure development and job creation in the State of West Virginia, generally; providing definitions; creating West Virginia Impact Fund; providing for the transfer of funds to Investment Committee and the purposes for the expenditure of the funds;

providing for availability of funds for appropriation of the Legislature; providing purpose and goal and investment standards; providing limitations on investments; creating Investment Committee and providing for its membership, appointments; terms; removals; vacancies and quorums; providing for powers and duties of Investment Committee; requiring disclosures of interest; establishing standard of care; creating Mountaineer Impact Office and providing for powers, duties, staffing, management and processes for proposing and administering investments in projects approved by Investment Committee; providing for audits and reports; providing opportunity for consultation with West Virginia Investment Management Board; providing for immunities and exemptions; prohibiting political activities; and providing for confidentiality of information.”

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

On this question, the yeas and nays were taken (**Roll No. 275**), and there were—yeas 94, nays 2, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: McGeehan and Paynter.

Absent and Not Voting: Azinger, J. Kelly, Little and R. Thompson.

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. 4001) takes effect from its passage.

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

\* \* \* \* \*

**Delegate Hanshaw, Mr. Speaker, in the Chair**

\* \* \* \* \*

**Com. Sub. for H. B. 4155**, Relating generally to the regulation of plumbers; on thir 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. 276**), and there were—yeas 54, nays 44, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, Boggs, N. Brown, S. Brown, Byrd, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Skaff, Sponaugle, Storch, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4155) 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. 4363**, Establishing the West Virginia Division of Natural Resources Police Officer Retirement System; 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. 277**), 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: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4363) passed.

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

On this question, the yeas and nays were taken (**Roll No. 278**), 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: Azinger and Little.

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. 4363) takes effect July 1, 2020.

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

**Com. Sub. for H. B. 4408**, Requiring the State Board of Education to develop and implement an online database for the employment of school principals; 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. 279**), 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: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4408) 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. 4452**, Modifying the notice requirements for the redemption of delinquent properties; 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. 280**), 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, McGeehan, Paynter, Porterfield and Wilson.

Absent and Not Voting: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4452) 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. 4474**, Relating to peer-to-peer car sharing programs; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 281**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Graves, Hicks, J. Jeffries and Paynter.

Absent and Not Voting: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4474) passed.

On motion of Delegate Shott, the title of the bill was amended to read 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 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.”

*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. 4522**, Allowing division to accept documents compliant with Real ID Act for proof of identity; 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. 282**), 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: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4522) 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. 4523**, Removing the limitation of number of apprentice hunting and trapping licenses a person may purchase; 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. 283**), 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: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4523) 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. 4557**, Relating to centers and institutions that provide the care and treatment of mentally ill or intellectually disabled individuals; 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. 284**), 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: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4557) 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. 4634**, Southern West Virginia Lake Development Study Commission Act; 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. 285**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Waxman.

Absent and Not Voting: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4634) 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. 4645**, Establishing the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and 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. 286**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Kessinger, McGeehan, Paynter and Robinson.

Absent and Not Voting: Azinger and Little.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4645) 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. 4737**, Clarifying student eligibility for state-sponsored financial aid; 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. 287**), 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: Azinger, Barrett, Little and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4737) passed.

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

On this question, the yeas and nays were taken (**Roll No. 288**), 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: Azinger, Little and Mandt.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4737) takes effect from its passage.

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

**Com. Sub. for H. B. 4820**, Relating to inventory of firearms owned by state agencies; 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. 289**), and there were—yeas 44, nays 54, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Angelucci, Atkinson, Barnhart, Boggs, Byrd, Canestraro, Caputo, Cooper, Diserio, Doyle, Ellington, Espinosa, Fleischauer, Hamrick, Hansen, Hornbuckle, Hott, Howell, J. Jeffries, D. Kelly, Kump, Longstreth, Lovejoy, Maynard, Miley, Nelson, Pethtel, Phillips, Porterfield, Pushkin, Pyles, Queen, Robinson, Rohrbach, Rowan, Shott, Skaff, Staggers, Walker, Westfall, Williams, Zukoff and Hanshaw (Mr. Speaker).

Absent and Not Voting: Azinger and Little.

So, a majority of the members present and voting not having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4820) rejected.

### Second Reading

**Com. Sub. for S. B. 657**, Allowing designation of tourism development districts; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page three, section nine, line thirty-six, following the words "any provision of", by striking out "§11-15-1 et seq." and inserting in lieu thereof "§5B-2E-5(c)(2)".

On page three, section nine, line forty-six, following the words "applicant shall", by striking out the words "own or control" and inserting in lieu thereof the words "own, control, or have the right of use to", followed by a comma.

On page three, section nine, line forty-seven, following the words "evidence of such", by striking out the words "ownership or control" and inserting in lieu thereof the words "ownership, control, or right of use".

On page three, section nine, line fifty-five, following the word "some", by striking out the words "or all".

On page four, section nine, line sixty-seven, following the words "accordance with", by striking out the words "subsection (b)" and inserting in lieu thereof the word "subsections (b) and (c)".

On page four, section nine, line sixty-nine, following the words "ordinance procedures" and the comma, by inserting the words "including any authority pursuant to the Municipal Home Rule program under §8-1-5a of this code" followed by a comma.

On page four, section nine, line seventy, following the words "development projects", by striking out the words "and/or" and inserting in lieu thereof the word "or".

On page five, section nine, line ninety-five, following the words "pursuant to §8-1-5a", by inserting a comma and the words "§8-13C-4 and §8-13C-5".

On page six, section nine, line one hundred sixteen, following the words "60 of this code", by striking out the semicolon and inserting the words "and control of nonintoxicating beer pursuant to §11-16-1, et seq. of this code", followed by a semicolon.

On page six, section nine, line one hundred nineteen, by striking out the words "Be designed, acquired, constructed, and equipped" and inserting in lieu thereof the words "Design, acquire, construct and equip the tourism development project or the tourism development expansion project".

And,

On page seven, section nine, line one hundred forty-six, following the words "facilitate the", by striking out the word "initial".

Delegate Doyle moved to amend the bill on page three, section nine, lines fifty-six and fifty-seven, by striking out subsection (i) in its entirety and inserting in lieu thereof, the following:



“(i) Upon approval of the application for tourism development project by the development office, the development office shall send notice to the county commission of the county where the municipality is located or if the municipality is located in two counties, the county where the project or a majority of the area of the project is located. Upon receipt of notice, the county commission shall cause an election to occur within 90 days in the municipality where the proposed tourism development project is located, as provided for in subsection (r) of this section. Upon receipt of certification from the Secretary of State’s office that the majority of voters of the municipality have approved the tourism development project, the development office shall initiate the project.”

And,

On page seven, section nine, line one hundred forty-six, by inserting a new subsection, to read as follows:

“(r) (1) Upon the authorization of the project by the development office pursuant to subsection (i), the development office shall immediately notify the Office of the Secretary of State and the County Commission where the project is located stating that the development office has approved the project. The County Commission, with assistance from the Secretary of State shall administer a municipal referendum election within 90 days of receipt of notice for the purpose of allowing the voters of the municipality to vote to authorize or disapprove the project.

(2) The Secretary of State shall promulgate legislative and emergency rules by July 1, 2020, pursuant to §29A-3-1 of this code, establishing the procedures for conducting the election. The Secretary of State shall assist the County Commission in conducting the election, and the County Commission shall utilize necessary staff to administer the election on a day designated by the Secretary of State.

(3) The ballot, or the ballot labels where voting machines are used, shall have printed thereon substantially the following:

“The West Virginia Development Office has authorized a development project that will allow to designate a “tourism development district” that is qualified to receive a sales tax credit under the West Virginia Tourism Development Act which allows the owner of the project to receive a income tax credit against any state sales tax collected.

If adopted, (name of municipality) will be restricted from regulating the project area of the city as follows:

(1) The city is prohibited from enforcing municipal zoning, historic preservation, horticultural, noise, viewshed, lighting, development, or land use ordinances, restrictions, limitations, or approvals;

(2) The city is prohibited from all regulation of the sale of alcoholic liquor, nonintoxicating beer, or wine for consumption within the tourism development district;

(3) The city is prohibited from enforcing municipal building permitting, inspections, or fire or building code enforcement;

(4) The city is prohibited from enforcing municipal license requirements; and

(6) The city is prohibited from the implementation of any tax, fee, or charge by the municipality, except as specifically provided in this section.

However, if approved, the project will (the Development Office will provide a brief summary of the purpose of the project and any benefits of the project to be inserted here).

// For the project

// Against the project

(Place a cross mark in the square opposite your choice.)”

If a majority of the legal votes cast upon the question is against the economic development project, then the development office shall not proceed any further with the application. If a majority of the legal votes cast upon the question is in favor the tourism development district is authorized.”

And,

Re-lettering exiting subsection (r) as subsection (s).”

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

The yeas and nays having been ordered, they were taken (**Roll No. 290**), and there were—yeas 13, nays 80, absent and not voting 7, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Doyle, Evans, Fast, Hornbuckle, C. Martin, Pushkin, Pyles, Rodighiero, R. Thompson, Toney and Wilson.

Absent and Not Voting: Azinger, Kump, Little, Miley, Nelson, Swartzmiller and Worrell.

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

Delegate Wilson moved to amend the on page one, by striking out everything following the section heading and inserting in lieu thereof the following:

“Notwithstanding the provisions of Section VI, article four of the Constitution, the people of West Virginia reserve the power of recall. Subject to the restrictions set forth in this section, the power of recall is the power of registered voters, through the use of a petition procedure established in this section, and governed by general law not in conflict therewith, to propose the removal of any individual occupying any elective public office in West Virginia at any governmental level in West Virginia, and at a special election held less than thirty days after the filing of a proper petition, to remove that individual from that office by a simple majority of the votes cast on the issue. The removed elected officeholder shall be replaced as provided for by existing Code or, if no procedure is established in existing Code, the clerk of the affected jurisdiction, or, in the case of the removal of the chief executive or clerk of that jurisdiction, the clerk of the immediately superior jurisdiction, shall hold a special election no less than thirty days after the removal of said elected officeholder to replace that elected officeholder.”

Delegate Householder arose to a point of order as to the germaneness of the amendment.

The Speaker ruled that the amendment was not germane to the purpose of the bill and the Gentleman’s point of order was sustained.

The bill was then ordered to third reading.

**Com. Sub. for H. B. 3127**, Relating to the Secondary School Activities Commission and participation by home schooled students; 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. 4009**, Relating to the process for involuntary hospitalization; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Staggers, the bill was amended on page two, section two-a, line twenty-three, following the words "authorized staff physician", by inserting "or other person authorized by the hospital".

And,

On page three, section two-a, line forty-seven, following the words "and hospitals", by inserting the words "and its employees".

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4252**, Authorizing miscellaneous agencies and boards to promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

Delegate Summers obtained unanimous consent that the bill be advanced to third reading with an amendment pending, and the rule was suspended to permit the consideration of the amendment on that reading.

The bill was then ordered third reading,

**Com. Sub. for H. B. 4388**, Limiting the Alcohol Beverage Control Commissioner's authority to restrict advertising; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Howell and C. Martin, the bill was amended on page two, by striking out section eighteen in its entirety and inserting in lieu thereof the following:

**"§11-16-18. Unlawful acts of licensees; criminal penalties.**

(a) It shall be unlawful:

(1) For any licensee, his, her, its or their servants, agents, or employees to sell, give, or dispense, or any individual to drink or consume, in or on any licensed premises or in any rooms directly connected, nonintoxicating beer or cooler on weekdays between the hours of 2:00 a.m. and 7:00 a.m., or between the hours of 2:00 a.m. and 10:00 a.m., or a Class A retail dealer who sells nonintoxicating beer for on-premises consumption only between the hours of 2:00 a.m. and 1:00 p.m. in any county upon approval as provided for in §7-1-3ss of this code, on any Sunday, except in private clubs licensed under the provisions of §60-7-1 *et seq.* of this code, where the hours shall conform with the hours of sale of alcoholic liquors;

(2) For any licensee, his, her, its or their servants, agents, or employees to sell, furnish, or give any nonintoxicating beer, as defined in this article, to any person visibly or noticeably intoxicated or to any person known to be insane or known to be a habitual drunkard;

(3) For any licensee, his, her, its or their servants, agents, or employees to sell, furnish, or give any nonintoxicating beer as defined in this article to any person who is less than 21 years of age;

(4) For any distributor to sell or offer to sell, or any retailer to purchase or receive, any nonintoxicating beer as defined in this article, except for cash and no right of action shall exist to collect any claims for credit extended contrary to the provisions of this subdivision. Nothing herein contained in this section prohibits a licensee from crediting to a purchaser the actual price charged for packages or containers returned by the original purchaser as a credit on any sale, or from refunding to any purchaser the amount paid or deposited for the containers when title is retained by the vendor: *Provided*, That a distributor may accept an electronic transfer of funds if the transfer of funds is initiated by an irrevocable payment order on the invoiced amount for the nonintoxicating beer. The cost of the electronic fund transfer shall be borne by the retailer and the distributor shall initiate the transfer no later than noon of one business day after the delivery;

(5) For any brewer or distributor or brew-pub or his, her, its or their agents to transport or deliver nonintoxicating beer as defined in this article to any retail licensee on Sunday;

(6) For any brewer or distributor to give, furnish, rent, or sell any equipment, fixtures, signs, or supplies directly or indirectly or through a subsidiary or affiliate to any licensee engaged in selling products of the brewing industry at retail or to offer any prize, premium, gift, or other similar inducement, except advertising matter of nominal value, to either trade or consumer buyers: *Provided*, That a distributor may offer, for sale or rent, tanks of carbonic gas: *Provided, however, That a distributor may furnish, rent, or sell equipment, fixtures, signs, or supplies directly or indirectly or through a subsidiary or affiliate to any licensee engaged in selling products of the brewing industry at retail under the conditions and within the limitations prescribed in sections 88 through 102, chapter 6, title 27 of the Code of Federal Regulations.* Nothing herein contained in this section prohibits a brewer from sponsoring any professional or amateur athletic event or from providing prizes or awards for participants and winners in any events: *Provided, however further*, That no event shall be sponsored which permits actual participation by athletes or other persons who are minors, unless specifically authorized by the commissioner: *And provided further, That a licensed retailer may display indoor electronic or mechanical signs;*

(7) For any licensee to permit in his or her premises any lewd, immoral or improper entertainment, conduct, or practice;

(8) For any licensee except the holder of a license to operate a private club issued under the provisions of §60-7-1 *et seq.* of this code or a holder of a license or a private wine restaurant issued under the provisions of §60-8-1 *et seq.* of this code to possess a federal license, tax receipt or other permit entitling, authorizing, or allowing the licensee to sell liquor or alcoholic drinks other than nonintoxicating beer;

(9) For any licensee to obstruct the view of the interior of his or her premises by enclosure, lattice, drapes, or any means which would prevent plain view of the patrons occupying the premises. The interior of all licensed premises shall be adequately lighted at all times: *Provided*, That provisions of this subdivision do not apply to the premises of a Class B retailer, the premises of a private club licensed under the provisions of §60-7-1 *et seq.* of this code, or the premises of a private wine restaurant licensed under the provisions of §60-8-1 *et seq.* of this code;

(10) For any licensee to manufacture, import, sell, trade, barter, possess, or acquiesce in the sale, possession, or consumption of any alcoholic liquors on the premises covered by a license or on premises directly or indirectly used in connection with it: *Provided*, That the prohibition contained in this subdivision with respect to the selling or possessing or to the acquiescence in the sale, possession, or consumption of alcoholic liquors is not applicable with respect to the holder of a license to operate a private club issued under the provisions of §60-7-1 *et seq.* of this code nor shall the

prohibition be applicable to a private wine restaurant licensed under the provisions of §60-8-1 *et seq.* of this code insofar as the private wine restaurant is authorized to serve wine;

(11) For any retail licensee to sell or dispense nonintoxicating beer, as defined in this article, purchased, or acquired from any source other than a distributor, brewer, or manufacturer licensed under the laws of this state;

(12) For any licensee to permit loud, boisterous, or disorderly conduct of any kind upon his or her premises or to permit the use of loud musical instruments if either or any of the same may disturb the peace and quietude of the community where the business is located: *Provided*, That a licensee may have speaker systems for outside broadcasting so long as the noise levels do not create a public nuisance or violate local noise ordinances;

(13) For any person whose license has been revoked, as provided in this article, to obtain employment with any retailer within the period of one year from the date of the revocation, or for any retailer to knowingly employ that person within the specified time;

(14) For any distributor to sell, possess for sale, transport, or distribute nonintoxicating beer except in the original container;

(15) For any licensee to knowingly permit any act to be done upon the licensed premises, the commission of which constitutes a crime under the laws of this state;

(16) For any Class B retailer to permit the consumption of nonintoxicating beer upon his or her licensed premises;

(17) For any Class A licensee, his, her, its or their servants, agents, or employees, or for any licensee by or through any servants, agents, or employees, to allow, suffer, or permit any person less than 18 years of age to loiter in or upon any licensed premises; except, however, that the provisions of this subdivision do not apply where a person under the age of 18 years is in or upon the premises in the immediate company of his or her parent or parents, or where and while a person under the age of 18 years is in or upon the premises for the purpose of and actually making a lawful purchase of any items or commodities therein sold, or for the purchase of and actually receiving any lawful service therein rendered, including the consumption of any item of food, drink or soft drink therein lawfully prepared and served or sold for consumption on the premises;

(18) For any distributor to sell, offer for sale, distribute, or deliver any nonintoxicating beer outside the territory assigned to any distributor by the brewer or manufacturer of nonintoxicating beer or to sell, offer for sale, distribute, or deliver nonintoxicating beer to any retailer whose principal place of business or licensed premises is within the assigned territory of another distributor of such nonintoxicating beer: *Provided*, That nothing in this section is considered to prohibit sales of convenience between distributors licensed in this state where one distributor sells, transfers, or delivers to another distributor a particular brand or brands for sale at wholesale; and

(19) For any licensee or any agent, servant, or employee of any licensee to knowingly violate any rule lawfully promulgated by the commissioner in accordance with the provisions of chapter 29A of this code.

(b) Any person who violates any provision of this article including, but not limited to, any provision of this section, or any rule, or order lawfully promulgated by the commissioner, or who makes any false statement concerning any material fact in submitting application for license or for a renewal of a license or in any hearing concerning the revocation thereof, or who commits any of the acts herein declared to be unlawful is guilty of a misdemeanor and, upon conviction thereof, shall be punished

for each offense by a fine of not less than \$25, nor more than \$500, or confined in the county or regional jail for not less than 30 days nor more than six months, or by both fine and confinement. Magistrates have concurrent jurisdiction with the circuit court and any other courts having criminal jurisdiction in their county for the trial of all misdemeanors arising under this article.

(c) (1) A Class B licensee that:

(A) Has installed a transaction scan device on its licensed premises; and

(B) Can demonstrate that it requires each employee, servant, or agent to verify the age of any individual to whom nonintoxicating beer is sold, furnished, or given away by the use of the transaction device may not be subject to: (i) Any criminal penalties whatsoever, including those set forth in subsection (b) of this section; (ii) any administrative penalties from the commissioner; or (iii) any civil liability whatsoever for the improper sale, furnishing, or giving away of nonintoxicating beer to an individual who is less than 21 years of age by one of his or her employees, servants, or agents. Any agent, servant, or employee who has improperly sold, furnished or given away nonintoxicating beer to an individual less than 21 years of age is subject to the criminal penalties of subsection (b) of this section. Any agent, servant, or employee who has improperly sold, furnished, or given away nonintoxicating beer to an individual less than 21 years of age is subject to termination from employment, and the employer shall have no civil liability for the termination.

(2) For purposes of this section, a Class B licensee can demonstrate that it requires each employee, servant, or agent to verify the age of any individual to whom nonintoxicating beer is sold by providing evidence: (A) That it has developed a written policy which requires each employee, servant, or agent to verify the age of each individual to whom nonintoxicating beer will be sold, furnished, or given away; (B) that it has communicated this policy to each employee, servant, or agent; and (C) that it monitors the actions of its employees, servants, or agents regarding the sale, furnishing, or giving away of nonintoxicating beer and that it has taken corrective action for any discovered noncompliance with this policy.

(3) "Transaction scan" means the process by which a person checks, by means of a transaction scan device, the age, and identity of the cardholder, and "transaction scan device" means any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information enclosed on the magnetic strip or bar code of a driver's license or other governmental identity card.

(d) Nothing in this article nor any rule or regulation of the commissioner shall prevent or be considered to prohibit any licensee from employing any person who is at least 18 years of age to serve in the licensee's lawful employ, including the sale or delivery of nonintoxicating beer as defined in this article. With the prior approval of the commissioner, a licensee whose principal business is the sale of food or consumer goods or the providing of recreational activities, including, but not limited to, nationally franchised fast food outlets, family oriented restaurants, bowling alleys, drug stores, discount stores, grocery stores, and convenience stores, may employ persons who are less than 18 years of age but at least 16 years of age: *Provided*, That the person's duties may not include the sale or delivery of nonintoxicating beer or alcoholic liquors: *Provided, however*, That the authorization to employ persons under the age of 18 years shall be clearly indicated on the licensee's license."

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4530**, Authorizing daily passenger rental car companies to charge reasonable administrative fees; 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. 4626**, West Virginia Development Achievements Transparency Act; 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. 4668**, Creating the misdemeanor crime of trespass for entering a structure that has been condemned; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Steele, the bill was amended on page one, line four, following "\$100", by inserting the words "or confined in jail not more than six months: *Provided*, That for any first offense under this section (a), the presiding judicial officer may order pretrial diversion to include community service in accordance with §62-11C-1, *et seq.*, in lieu of imposing a fine or term of confinement."

And,

On page one, line five, by striking subsection (b) in its entirety and renumbering the subsequent sections accordingly.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4748**, Relating to the increase of fees that private nongovernment notary publics may charge for notarial acts; on second reading, coming up in regular order, was read a second time and 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 H. B. 2088**, Relating to admissibility of certain evidence in a civil action for damages,

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

**Com. Sub. for H. B. 2646**, Providing a safe harbor for employers to correct underpayment or nonpayment of wages and benefits due to separated employees,

**Com. Sub. for H. B. 4019**, Downstream Natural Gas Manufacturing Investment Tax Credit Act of 2020,

**H. B. 4354**, Adding nabiximols to the permitted list of distributed and prescribed drugs,

**Com. Sub. for H. B. 4360**, Exempting certain persons from heating, ventilating, and cooling system licensing requirements,

**Com. Sub. for H. B. 4377**, The Protection of Vulnerable Adults from Financial Exploitation Act,

**H. B. 4396**, Relating to reporting suspected governmental fraud,

**H. B. 4409**, Relating to transferring remaining funds from the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund,

**Com. Sub. for H. B. 4421**, Natural Gas Liquids Economic Development Act,

**Com. Sub. for H. B. 4433**, Relating to deeds of trust,

**H. B. 4447**, Creating the shared table initiative for senior citizens who suffer from food insecurity,

**Com. Sub. for H. B. 4464**, Relating to driving privileges and requirements for persons under the age of 18,

**Com. Sub. for H. B. 4558**, Creating a personal income tax credit for volunteer firefighters in West Virginia,

**H. B. 4606**, Listing contractor classifications on a contractor license,

**H. B. 4715**, Authorizing municipalities to take action to grant certain fire department employees limited power of arrest,

**H. B. 4760**, Modifying video lottery retailer licensing eligibility requirements,

**Com. Sub. for H. B. 4780**, Permitting a school-based decision-making council to offer elective courses of instruction on the Bible,

**H. B. 4797**, Authorizing municipalities to enact ordinances that allow the municipal court to place a structure, dwelling or building into receivership,

**Com. Sub. for H. B. 4803**, Relating to certification of electrical inspectors,

**Com. Sub. for H. B. 4823**, Developing a plan for periodic audits of the expenditure of the fees from the emergency 911 telephone system and wireless enhanced 911,

**Com. Sub. for H. B. 4853**, Relating to a customer constructing a connection or other infrastructure necessary for the customer to connect to the public utility,

**H. B. 4859**, Accounting for state funds distributed to volunteer and part-volunteer fire companies and departments,

**H. B. 4872**, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse,

**H. B. 4882**, Authorizing limited sampling and limited sale of wine for off-premises consumption to wineries not licensed in the state,

**Com. Sub. for H. B. 4886**, Requiring the PSC and the DOH to submit reports concerning activity on the Coal Resource Transportation Road System,

**H. B. 4887**, Relating to revocation, cancellation, or suspension of business registration certificates,

**H. B. 4959**, Relating to clarifying the ability of the Economic Development Authority Board of Directors to enter into any contracts necessary to carry out its duties,

And.

**H. B. 4960**, Relating to exempting from licensure as an electrician.



At 3:42 p.m., the House of Delegates recessed until 6:00 p.m.

\* \* \* \* \*

### Evening Session

\* \* \* \* \*

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

### Messages from the Senate

A message from the Senate, by

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

**H. B. 4515**, Relating to wildlife resources, eligibility for license or permit application.

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. 130** - "A Bill to amend and reenact §17C-5-2, §17C-5-2a, §17C-5-2b, §17C-5-4, §17C-5-7, and §17C-5-12 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §17C-5-7a; to amend and reenact §17C-5A-1, §17C-5A-1a, and §17C-5A-3 of said code; to amend said code by adding thereto a new section, designated §17C-5A-2b; and to amend said code by adding thereto a new section, designated §17C-5C-1a, all relating generally to the procedures for revocation or suspension of a person's license to operate a motor vehicle for offenses involving driving under the influence of alcohol, controlled substances, or drugs; defining terms; transferring authority for hearing certain matters related to revocations or suspensions of licenses from the Office of Administrative Hearings to the courts; establishing mandatory license revocation or suspension periods for individuals convicted of certain offenses; authorizing alternate revocation or suspension periods conditioned upon participation in Motor Vehicle Alcohol Test and Lock Program for certain offenses; establishing mandatory license revocation or suspension periods for individuals upon second and subsequent convictions for certain offenses; clarifying what constitutes a second or subsequent offense for purposes of criminal penalties and license revocations and suspensions; clarifying that certain offenses involving driving under the influence take place only when the operator is upon a public highway or private road; clarifying the term "in this state" for purposes of enforcement of certain serious traffic crimes; requiring the Commissioner of the Division of Motor Vehicles to revoke a person's license upon conviction of certain offenses or for refusal to submit to a secondary chemical test in certain circumstances; requiring individuals whose licenses have been revoked or suspended upon conviction of certain offenses to complete the comprehensive safety and treatment program before the license can be reinstated; requiring driver consent to participation in Motor Vehicle Alcohol Test and Lock Program; requiring deferral program for certain first offenses to be completed within one year; prohibiting a secondary test of blood without consent absent issuance of a search warrant; requiring that a person arrested for driving under the influence be provided with certain verbal and written warnings prior to submitting to a secondary chemical test; requiring an officer to 15 minutes before a refusal to submit to a secondary chemical test is considered final; requiring that, following an individual's refusal to submit to a secondary chemical test, an arresting officer submit a sworn statement containing certain information to Commissioner of the Division of Motor Vehicles and the court; providing for a hearing before the court to contest a documented refusal to submit to a secondary chemical test; providing minimum license revocation periods for refusal to submit to a secondary chemical test; directing the

Bureau for Public Health to make reports and recommendations on the levels of drugs and controlled substances to be used as evidence in certain criminal proceedings; limiting the administrative jurisdiction of Division of Motor Vehicles and Office of Administrative Hearings to offenses occurring on or before June 30, 2020; eliminating all statutory provisions authorizing or requiring the Commissioner of the Division of Motor Vehicles to take administrative action upon an individual's license on the basis of driving under the influence or refusal to submit to a secondary test absent direction from court; requiring the Commissioner of the Division of Motor Vehicles to provide certain records to the court following a person's arrest; providing a procedure to correct a license revocation or suspension based on mistaken driver identity; providing that a plea of no contest constitutes a conviction; requiring the clerk of the court to transmit a copy of an order related to revoking or suspending a person's license to the Division of Motor Vehicles; directing that a copy of a license revocation or suspension order to be sent to the person whose license is being revoked or suspended by certified mail; providing that revocation for refusal to submit to secondary chemical test run concurrently with other revocation or suspension imposed as a result of an offense that led to the arrest; making persons convicted of driving under the influence eligible for participation in comprehensive safety and treatment program and related reductions in length of revocation for successful completion thereof; requiring the Office of Administrative Hearings to dispose of all matters pending before it by a certain date; establishing a timeline for jurisdiction of matters currently filed in the Office of Administrative Hearings to transfer to the courts; requiring that matters related to license suspension or revocation for driving under the influence, pending before the Office of Administrative Hearings on its termination, be dismissed; requiring that matters not related to license suspension or revocation for driving under the influence, pending before the Office of Administrative Hearings on its termination, be transferred to a circuit court according to certain procedures; terminating the Office of Administrative Hearings by a certain date; eliminating obsolete language; providing internal effective dates; 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 and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 253** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-10P-1, §18-10P-2, §18-10P-3, and §18-10P-4, all relating to wages of persons with disabilities; initiating a State Employment First Policy to facilitate integrated employment of disabled persons; providing legislative findings; defining terms; establishing a taskforce to develop a State Employment First Policy; and providing for implementation of the State Employment First Policy"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 484** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-4-22; and to amend and reenact §49-2-906 of said code, all relating to requiring that free feminine hygiene products be provided to female prisoners in state correctional facilities and female juveniles in juvenile detention; specifying the time frame in which they must be provided; and defining a term"; which was referred to the Committee on Health and Human Resources then Finance.

A message from the Senate, by

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

**Com. Sub. for S. B. 491** - “A Bill to amend and reenact §19-16-1, §19-16-2, §19-16-3, §19-16-4, §19-16-5, and §19-16-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §19-16-3b, §19-16-5a, and §19-16-9, all relating to the Seed Certification Program within the Department of Agriculture; defining terms; adding flower seed requirements; adding labeling requirements for seed; adding labeling requirements for interstate shipping; authorizing legislative rules for penalties; updating certificate of registration requirements; requiring quarterly tonnage fees and reports for seed; requiring monthly reports for seed potatoes; requiring record retention; updating prohibitions for labeling; setting forth label, signage, and other requirements for noncommercial seed sharing; updating duties and authority of commissioner; authorizing inspections of seed conditioning facilities, issuance of permits, and establishment of fees; and providing for penalties for labeling deficiencies”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 649** - “A Bill to amend and reenact §24-6-5 of the Code of West Virginia, 1931, as amended, relating to permitting directors of county emergency phone systems to obtain mobile phone emergency lines and enter into service provider contracts; establishing payment of emergency mobile phone contracts; and requiring a report”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 660** - “A Bill to amend and reenact §17A-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-1-1 of said code; to amend and reenact §17C-1-5a of said code; to amend said code by adding thereto a new section, designated §17C-1-70; and to amend said code by adding thereto a new section, designated §17C-11-8, all relating to electric bicycles; defining terms; excluding electric bicycles from registration, title, financial liability, and driver’s license requirements; providing electric bicycle general use regulations; providing the operator of an electric bicycle has the same rights and duties as the operator of a bicycle; providing the use of an electric bicycle may be restricted by an entity having jurisdiction over a bicycle path or trail; and providing for helmet use requirements and class use restrictions for a person under 15 years of age”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 672** - “A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to creating a special registration plate to recognize Girl Scouts; and establishing a special initial application fee and an annual fee for each plate”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 722** - "A Bill to amend and reenact §11-15-3c of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-3-23 of said code, all relating to motor vehicles; exempting certain vehicles operated in the name of a public transit provider or nonprofit transit provider from motor vehicle sales tax; and authorizing special license plates for certain vehicles titled in the name of a public transit provider, private nonprofit transit provider, or certain nonprofit entities"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**S. B. 781** - "A Bill to amend and reenact §18B-3C-16 of the Code of West Virginia, 1931, as amended, relating to removing information required to be included in report to the Legislature and the Governor regarding the collaborative agreements between community and technical colleges and federally registered apprenticeship programs"; 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

**S. B. 789** - "A Bill to repeal §4-2B-1 of the Code of West Virginia, 1931, as amended; and to repeal §4-3-3b of said code, relating to removing provisions regarding obsolete functions and completed tasks for the administration of, or by, the Legislature"; 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. 804** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2020, to the Public Service Commission, Consumer Advocate Fund, fund 8627, fiscal year 2020, organization 0926, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020"; which was referred to the Committee on Finance.

A message from the Senate, by

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

**S. B. 806** - "A Bill supplementing and amending by adding a new appropriation of federal funds out of the Treasury to the Department of Transportation, fund 8831, fiscal year 2020, organization 0807, by supplementing, amending, and adding a new appropriation for the fiscal year ending June 30, 2020"; which was referred to the Committee on Finance.

A message from the Senate, by

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

**S. C. R. 17** – "Requesting the Division of Highways name bridge number 35-002/00-011.58 (35A147), locally known as Short Creek Bridge, carrying WV 2 over Short Creek in Ohio County, the 'U.S.M.C. PFC Manuel P. Markos Memorial Bridge'."

Whereas, Manuel P. Markos was born in Utah on October 27, 1924, the second child of Paul S. Markos (Markakis) and Diamanto Tsuhlares Markos of Short Creek, West Virginia; and

Whereas, Growing up in Short Creek, West Virginia, Manuel P. Markos had three siblings: Nick P. Markos, born on May 9, 1923, who died on July 17, 2002; Stella M. Markos (Sfamenos), born on August 23, 1929, who still resides in Short Creek; and Goldie M. Markos (Basil), born on February 6, 1937, who also still resides in Short Creek; and

Whereas, Manuel P. Markos' parents immigrated to the United States through Ellis Island from the village of Hania on the island of Crete, Greece; and

Whereas, Manuel P. Markos' older brother, Nick, was a member of the U.S. Army and fought in the Rhineland Campaign in central Europe in World War II, and received an honorable discharge following the war; and

Whereas, Manuel P. Markos attended school at Beech Bottom Elementary and Junior High and then Wellsburg High School. He worked at Markos Grocery Store, the family business, while attending school; and

Whereas, Manuel P. Markos left Wellsburg High School during his senior year to enlist in the U.S. Marine Corps. He entered active service, was assigned to the Fifth Division, and had the rank of PFC. PFC Manuel P. Markos was killed in action on February 19, 1945, the day that the U.S.M.C. invaded the Japanese island of Iwo Jima. The battle of Iwo Jima endured from February 19 until March 26, 1945; and

Whereas, Religion was an important part of PFC Manuel P. Markos' life. He was a life-time member of Saint John the Divine Greek Orthodox Church in Wheeling, West Virginia, where he was baptized and later, when his remains were returned from Iwo Jima, had his funeral. He is buried at Greenwood Cemetery in Wheeling, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S.M.C. PFC Manuel P. Markos 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 35-002/00-011.58 (35A147), locally known as Short Creek Bridge, carrying WV 2 over Short Creek in Ohio County, the "U.S.M.C. PFC Manuel P. Markos Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S.M.C. PFC Manuel P. Markos Memorial Bridge"; and, be it

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

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

### **Committee Reports**

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. 75**, Naming the highest peak on Wolf Creek Mountain in Monroe County, Boone's Peak,

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

**Com. Sub. for H. C. R. 75** - "Naming the highest peak on Wolf Creek Mountain in Monroe County, Boone's Peak,"

With the recommendation that the committee substitute be adopted.

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

**By Delegates Howell, C. Martin, Angelucci, Staggers, Jennings, D. Jeffries, J. Jeffries, Hott and Tomblin:**

**H. B. 4971** - "A Bill to amend and reenact §16-2D-10 of the Code of West Virginia, 1931, as amended, relating to a closing hospital; exempting a subsequent purchaser from certificate of need; and exempting the health care services provided by the closing hospital from certificate of need; and providing an exemption."

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. 4746**, Establishing a registry of persons with a communication disability,

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

**Com. Sub. for H. B. 4746** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §17A-2-26 and §17A-2-27; and to amend and reenact §30-29-5 of said code, all relating to establishing a registry of persons with a communication disability, developing a form to use to include persons in this registry and requiring that the communication disability provisions be included in law-enforcement training and certification,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Government Organization has had under consideration:

**H. B. 4574**, Establishing Just Transition Support for Coal-Related Jobs,

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

**Com. Sub. for H. B. 4574** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §5B-2J-1, §5B-2J-2, §5B-2J-3, §5B-2J-4, §5B-2J-5, §5B-2J-6, and §5B-2J-7, all relating to establishing a program to facilitate the recovery of areas of the state that have been impacted by the reduction of coal production and consumption; providing legislative findings; establishing a Coal and Timber Transition Office to administer the program; providing for a Coal and Timber Transition Advisory Committee to study and advise the office; defining terms; requiring submission of plans to the Legislature; providing that certain coal operations, timber

operations, and electric utilities provide information to the office relating to job losses when a facility is closing; and providing for expiration of the article,”

And,

**H. B. 4693**, Expanding the scope of the Veterans to Agriculture Program,

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

**Com. Sub. for H. B. 4693** - “A Bill to amend and reenact §19-1-12 of the Code of West Virginia, 1931, as amended, relating to renaming the Veteran and Warriors to Agriculture Program to the Veterans and Heroes to Agriculture Program; renaming Veterans and Warriors to Agriculture fund; eliminating outdated language; and authorizing the Commissioner of Agriculture to expand the scope of the program to additional classes of persons,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Education has had under consideration:

**H. B. 4535**, Relating to student aide class titles,

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

**Com. Sub. for H. B. 4535** - “A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-8a of said code, all relating to student aide class titles for school service personnel,”

And,

**H. B. 4925**, Requiring the Secondary Schools Athletic Commission to recognize private, parochial, or church schools,

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

**Com. Sub. for H. B. 4925** - “A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to requiring the West Virginia Secondary Schools Athletic Commission to recognize preparatory schools as nonparticipating members solely for the purpose of competing on the national level,”

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 4176**, West Virginia Intelligence/Fusion Center Act,

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

**Com. Sub. for H. B. 4176** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15A-9-1, §15A-9-2, §15A-9-3, §15A-9-4, §15A-9-5, §15A-9-6, and §15A-9-7, establishing the West Virginia Fusion Center Act,"

And,

**H. B. 4587**, Modernizing the Public Service Commission's regulation of solid waste motor carriers and solid waste facilities,

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

**Com. Sub. for H. B. 4587** - "A Bill to amend and reenact §24-2-4a of the Code of West Virginia, 1931, as amended; to amend and reenact §24A-2-4 of said code; to amend and reenact §24A-5-2 of said code; to amend said code by adding thereto two new sections, designated §24A-5-2a and §24A-5-2b; all relating to the regulation of the collection, hauling, and disposal of solid waste by motor carriers; authorizing indexed automatic rate increases for solid waste collection and hauling; authorizing multi-year contracts; setting procedures for the approval of rates; authorizing solid waste carriers to require pooling; and authorizing the Public Service Commission to promulgate rules,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

**H. B. 4362**, Relating to penalties for neglect, emotional abuse or death caused by a caregiver,

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

**Com. Sub. for H. B. 4362** - "A Bill to amend and reenact §61-2-29 and §61-2-29a of the Code of West Virginia, 1931, as amended, all relating to penalties for neglect, emotional abuse or death caused by a caregiver; setting penalty for emotional abuse of an incapacitated adult; setting penalty for abuse, neglect or emotional abuse of nonverbal special needs child; setting penalty for causing death or allowing another to cause death of a nonverbal special needs child,"

**H. B. 4573**, Relating to Medicaid subrogation liens of the Department of Health and Human Resources,

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

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



less than \$1,500; modifying the penalty for failure of recipient's legal representative to notify the department to include interest; and establishing an effective date,"

And,

**H. B. 4946**, Eliminating the requirement that municipal police civil service commissions certify a list of three individuals for every position vacancy,

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

**Com. Sub. for H. B. 4946** - "A Bill to amend and reenact §8-14-15 of the Code of West Virginia, 1931, as amended, relating to revising the requirement that municipal police civil service commissions certify a list of up to three individuals for every position vacancy in a municipal police department not filled by promotion, reinstatement or reduction,"

With the recommendation that the committee substitutes each do pass.

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

**By Delegates Westfall, Queen, Phillips, Miller, D. Kelly, Fleischauer, Steele, Kessinger, Kump, Waxman and N. Brown:**

**H. B. 4970** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-6-40, relating to military service as a factor in certain insurance coverage rates; prohibiting an insurance company from increasing premiums while reinstating an insurance contract that was previously cancelled or suspended due to the military service of the insured; prohibiting an insurer from charging an increased premium for a new insurance contract when the applicant has had a policy from another insurer terminated as a result of military service; defining service with the National Guard; and requiring insurers to deem persons who have had an insurance policy suspended or terminated due to military service as having maintained continuous coverage."

Delegate 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. 4159**, Relating to the manufacture and sale of hard cider,

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. 4602**, Increasing the penalty for DUI causing death when a child is present,

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

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 21<sup>st</sup> day of February, 2020, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**H. B. 4030**, Increasing limit for application for original appointment as a firefighter to 40 years of age for honorably discharged veterans.

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. 572**, Expiring funds from General Revenue and Lottery Net Profits to various accounts,

**S. B. 725**, Supplemental appropriation to various Department of Education accounts,

**S. B. 778**, Supplemental appropriation expiring funds from State Excess Lottery Revenue Fund to DHHR,

**S. B. 779**, Supplemental appropriation expiring funds in State Excess Lottery Revenue to Department of Veterans' Assistance,

And,

**S. B. 780**, Supplemental appropriation by decreasing and adding new appropriation out of Treasury to DMAPS,

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

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

Your Committee on Finance has had under consideration:

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

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

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

Your Committee on Finance has had under consideration:

**H. B. 4494**, Tobacco Use Cessation Initiative,

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

**Com. Sub. for H. B. 4494** - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new article, designated as §16-9G-1, §16-9G-2, §16-9G-3 and §16-9G-4, all relating to expanding tobacco use reduction and cessation initiatives; creating a task force to undertake studies and monitor and advise the Division of Tobacco Prevention and recommend policies to the

Legislature; authorizing the task force to apply and administer private grants and donations; creating the Tobacco Cessation Initiative Program Special Revenue Account; and directing the annual transfer of a portion of the interest and other return earned that may accrue on the moneys in the Revenue Shortfall Reserve Fund – Part B to the special revenue account to be expended for the purposes of the new article,”

With the recommendation that the committee substitute 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. 4560**, Relating to deliveries by a licensed wine specialty shop,

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

**Com. Sub. for H. B. 4560** - “A Bill to amend and reenact §60-8-6b of the Code of West Virginia, 1931, as amended, relating to permitting licensed wine specialty shops to sell wine with a gift basket by telephonic, electronic, or web-based wine ordering,”

With the recommendation that the committee substitute 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. 4402**, Relating to designation of early voting locations,

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. 4648**, The Parenting Fairness Act of 2020,

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

**Com. Sub. for H. B. 4648** - “A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto four new sections, designated §48-1-239a, §48-1-239b, §48-1-239c, and §48-1-239d; to amend and reenact §48-9-102, §48-9-201, §48-9-203, §48-9-204, §48-9-206, §48-9-207, §48-9-209, §48-9-401, §48-9-403, and §48-9-601 of said code; to amend said code by adding thereto a new section, designated §48-9-204a, all relating to “The Parenting Fairness Act of 2020”; defining “shared legal custody”, “shared physical custody”, “sole legal custody”, and “sole physical custody”; establishing the presumption that co-equal shared legal and physical custody of children, and the maintaining of sibling, including half-sibling, relationships through co-equal shared legal and physical custody of children, in cases of divorce is presumed to be in the best interests of the children and families; requiring that temporary parenting plans, parenting plans and modifications to parenting plans consider the presumption of shared legal and physical custody is in the best interests of a child; to require courts to consider such presumption when making determination as to which parent has

significant decision making responsibility; and establish both parents' rights to school and medical records of child,"

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:

**H. B. 4461**, Requiring the Governor to fix the salaries of certain state appointed officers after the office is vacated or after July 1,

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

**Com. Sub. for H. B. 4461** - "A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to requiring the Governor to fix the annual salaries of certain state appointed officers after the office is vacated or after July 1, 2020, whichever occurs first; and requiring the maximum amount of the annual salary to be specified in the budget bill,"

And,

**H. B. 4892**, Reducing personal income tax rates when personal income tax reduction fund is funded at a certain threshold,

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

**Com. Sub. for H. B. 4892** - "A Bill to amend and reenact §11-21-4e of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11B-2-33, all relating to reducing personal income tax rates when personal income tax reduction fund is funded at a certain threshold, and further reducing those rates when that threshold is reached again; establishing personal income tax reduction fund and providing for deposits into personal income tax reduction fund; specifying rate reductions; providing for deposits from personal income tax reduction fund into general revenue fund; imposing duties on the State Tax Commissioner and other state agencies officers; and providing for investment and disposition of fund,"

With the recommendation that the committee substitutes each do pass.

### **Leaves of Absence**

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

The House of Delegates then returned to the Third Order of Business for the purpose of receiving a committee report.

### **Committee Reports**

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

Your Committee on the Judiciary has had under consideration:

**H. B. 4905**, Ban-the-Box Act,

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

**Com. Sub. for H. B. 4905** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-6A-1, §29-6A-2, §29-6A-3, §29-6A-4 and §29-6A-5, all relating to enacting the Ban-the-Box Act; providing findings regarding reintegration of people with a criminal history; applying the provisions only to public employers; excluding the practice of law from the Ban-the-Box Act; encouraging the bill’s hiring practices for private employers; providing definitions; providing a procedure to address an applicant’s criminal history in the course of the hiring process; prohibiting public employers from asking applicants for employment to disclose information concerning the applicant’s criminal record or history, under certain circumstances; requiring a public employer to notify the applicant after receiving adverse information prior to a final decision; providing the applicant an opportunity to address adverse information; requiring the employer to publish specific disqualifying crimes; providing for a grievance procedure to adjudicate ay complaint by the applicant,”

With the recommendation that the committee substitute do pass.

**Miscellaneous Business**

Delegate Doyle noted to the Clerk that he was absent when the vote was taken on S. B. 573, and had be been present, he would have voted “Yea” thereon.

Delegate Sypolt asked and obtained unanimous consent to be added as a cosponsor of H. B. 4969.

During the floor session and prior to passage, Delegate Porterfield asked and obtained unanimous consent to be added as a cosponsor of the Com. Sub. for H. B. 4634.

In the absence of objection, the following Delegates were added as cosponsors of H. R. 14:

Delegates Porterfield, D. Evans, Hardy, Bibby, Cooper, Hamrick, Paynter, Maynard, Rohrbach, Summers, Ellington, Howell, Fast, J. Jeffries, C. Martin, Rowan, Capito, Householder, Cadle, P. Martin, Steele, Criss, Mandt, Kump, Bartlett, Linville, D. Kelly, Barnhart, Jennings, Sypolt, Storch, Pack, Hill, Westfall, Queen, Miller, Rodighiero, Hicks, Bates, Miley, Barrett, Staggers, Robinson, N. Brown, Hartman, Diserio, Pethtel, Sponaule and Estep-Burton.

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

- Delegate J. Jeffries for H. B. 4693
- Delegate Hartman for H. B. 4439
- Delegates Boggs, Ellington, Espinosa, Hill, Shott and Skaff for H. B. 4494
- Delegates Campbell and Maynard for H. B. 4925
- Delegates Espinosa, Fleischauer, Kessinger, Paynter, Pushkin and Walker for H. B. 4905
- Delegate Nelson for H. B. 4402

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

- Delegate Hanna for H. B. 4934

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

- Delegate Lovejoy regarding Com. Sub. for H. B. 2321

At 6:45 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 24, 2020.

---

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

## **SPECIAL CALENDAR**

**Monday, February 24, 2020**

**48<sup>th</sup> Day**

**11:00 A. M.**

### **UNFINISHED BUSINESS**

Com. Sub. for H. C. R. 75 - Naming the highest peak on Wolf Creek Mountain in Monroe County, Boone's Peak

### **THIRD READING**

Com. Sub. for S. B. 657 - Allowing designation of tourism development districts (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

Com. Sub. for H. B. 3127 - Relating to the Secondary School Activities Commission and participation by home schooled students (ELLINGTON) (REGULAR)

Com. Sub. for H. B. 4009 - Relating to the process for involuntary hospitalization (SHOTT) (REGULAR)

Com. Sub. for H. B. 4252 - Authorizing miscellaneous agencies and boards to promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE) [AMENDMENT PENDING]

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

Com. Sub. for H. B. 4530 - Authorizing daily passenger rental car companies to charge reasonable administrative fees (SHOTT) (REGULAR)

Com. Sub. for H. B. 4626 - West Virginia Development Achievements Transparency Act (SHOTT) (REGULAR)

Com. Sub. for H. B. 4668 - Creating the misdemeanor crime of trespass for entering a structure that has been condemned (SHOTT) (REGULAR)

Com. Sub. for H. B. 4748 - Relating to the increase of fees that private nongovernment notary publics may charge for notarial acts (SHOTT) (REGULAR)

### **SECOND READING**

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

Com. Sub. for H. B. 2088 - Relating to admissibility of certain evidence in a civil action for damages (SHOTT) (REGULAR)

Com. Sub. for H. B. 2149 - Relating to the Farm-To-Food Bank Tax Credit (HOUSEHOLDER) (REGULAR)

- Com. Sub. for H. B. 2646 - Providing a safe harbor for employers to correct underpayment or nonpayment of wages and benefits due to separated employees (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4019 - Downstream Natural Gas Manufacturing Investment Tax Credit Act of 2020 (HOUSEHOLDER) (REGULAR)
- H. B. 4354 - Adding nabiximols to the permitted list of distributed and prescribed drugs (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4360 - Exempting certain persons from heating, ventilating, and cooling system licensing requirements (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4377 - The Protection of Vulnerable Adults from Financial Exploitation Act (SHOTT) (REGULAR)
- H. B. 4396 - Relating to reporting suspected governmental fraud (SHOTT) (REGULAR)
- H. B. 4409 - Relating to transferring remaining funds from the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4421 - Natural Gas Liquids Economic Development Act (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4433 - Relating to deeds of trust (SHOTT) (REGULAR)
- H. B. 4447 - Creating the shared table initiative for senior citizens who suffer from food insecurity (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4464 - Relating to driving privileges and requirements for persons under the age of 18 (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4558 - Creating a personal income tax credit for volunteer firefighters in West Virginia (HOUSEHOLDER) (REGULAR)
- H. B. 4606 - Listing contractor classifications on a contractor license (HOWELL) (REGULAR)
- H. B. 4715 - Authorizing municipalities to take action to grant certain fire department employees limited power of arrest (SHOTT) (REGULAR)
- H. B. 4760 - Modifying video lottery retailer licensing eligibility requirements (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4780 - Permitting a school-based decision-making council to offer elective courses of instruction on the Bible (ELLINGTON) (REGULAR)
- H. B. 4797 - Authorizing municipalities to enact ordinances that allow the municipal court to place a structure, dwelling or building into receivership (SHOTT) (REGULAR)



- Com. Sub. for H. B. 4803 - Relating to certification of electrical inspectors (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4823 - Developing a plan for periodic audits of the expenditure of the fees from the emergency 911 telephone system and wireless enhanced 911 (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4853 - Relating to a customer constructing a connection or other infrastructure necessary for the customer to connect to the public utility (SHOTT) (REGULAR)
- H. B. 4859 - Accounting for state funds distributed to volunteer and part-volunteer fire companies and departments (HOUSEHOLDER) (REGULAR)
- H. B. 4872 - Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse (SHOTT) (REGULAR)
- H. B. 4882 - Authorizing limited sampling and limited sale of wine for off-premises consumption to wineries not licensed in the state (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4886 - Requiring the PSC and the DOH to submit reports concerning activity on the Coal Resource Transportation Road System (HOWELL) (REGULAR)
- H. B. 4887 - Relating to revocation, cancellation, or suspension of business registration certificates (HOWELL) (REGULAR)
- H. B. 4959 - Relating to clarifying the ability of the Economic Development Authority Board of Directors to enter into any contracts necessary to carry out its duties (HOWELL) (REGULAR)
- H. B. 4960 - Relating to exempting from licensure as an electrician (HOWELL) (REGULAR)

#### **FIRST READING**

- Com. Sub. for S. B. 554 - Relating to termination, expiration, or cancellation of oil or natural gas leases (ENERGY COMMITTEE AMENDMENT PENDING) (ANDERSON) (REGULAR)
- Com. Sub. for S. B. 571 - Expiring funds from State Excess Lottery Revenue Fund to various accounts (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 572 - Expiring funds from General Revenue and Lottery Net Profits to various accounts (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 725 - Supplemental appropriation to various Department of Education accounts (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

- S. B. 778 - Supplemental appropriation expiring funds from State Excess Lottery Revenue Fund to DHHR (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 779 - Supplemental appropriation expiring funds in State Excess Lottery Revenue to Department of Veterans' Assistance (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- S. B. 780 - Supplemental appropriation by decreasing and adding new appropriation out of Treasury to DMAPS (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2478 - Modifying the Fair Trade Practices Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2897 - Relating to driving restrictions in school zones (ELLINGTON) (REGULAR)
- H. B. 4159 - Relating to the manufacture and sale of hard cider (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4176 - West Virginia Intelligence/Fusion Center Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4362 - Relating to penalties for neglect, emotional abuse or death caused by a caregiver (SHOTT) (REGULAR)
- H. B. 4402 - Relating to designation of early voting locations (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4439 - Clarifying the method for calculating the amount of severance tax attributable to the increase in coal production (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4461 - Requiring the Governor to fix the salaries of certain state appointed officers after the office is vacated or after July 1 (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4494 - Tobacco Use Cessation Initiative (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4497 - Requiring an external defibrillator device at any secondary school athlete event (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4535 - Relating to student aide class titles (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 4560 - Relating to deliveries by a licensed wine specialty shop (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4573 - Relating to Medicaid subrogation liens of the Department of Health and Human Resources (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4574 - Establishing Just Transition Support for Coal-Related Jobs (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4587 - Modernizing the Public Service Commission's regulation of solid waste motor carriers and solid waste facilities (SHOTT) (REGULAR)

- H. B. 4602 - Increasing the penalty for DUI causing death when a child is present (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4619 - Approving plans proposed by electric utilities to install middle-mile broadband fiber (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4639 - Changing frequency of mandatory state inspections of motor vehicles (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4648 - The Parenting Fairness Act of 2020 (SHOTT) (REGULAR)
- H. B. 4665 - Reducing the amount of rebate going to the Purchasing Improvement Fund (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4693 - Expanding the scope of the Veterans to Agriculture Program (HOWELL) (REGULAR)
- H. B. 4705 - Including three types of cancer for which rebuttable presumption of injury from employment exists for firefighters (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4717 - Seizure and Forfeiture Reporting Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4746 - Establishing a registry of persons with a communication disability (HOWELL) (REGULAR)
- H. B. 4804 - Relating to comprehensive systems of support for teacher and leader induction and professional growth (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4892 - Reducing personal income tax rates when personal income tax reduction fund is funded at a certain threshold (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4905 - Ban-the-Box Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4925 - Requiring the Secondary Schools Athletic Commission to recognize private, parochial, or church schools (ELLINGTON) (REGULAR)
- H. B. 4929 - Relating to the administrative closing of stale or unprogressed estates (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4946 - Eliminating the requirement that municipal police civil service commissions certify a list of three individuals for every position vacancy (SHOTT) (REGULAR)
- H. B. 4953 - Providing the PSC with authority to order the acquisition of failing utilities and a variety of tools to assist distressed and failing utilities (SHOTT) (REGULAR)
- H. B. 4958 - Relating to eliminating the ability of a person's driver license to be suspended for failure to pay court fines and costs (SHOTT) (JULY 1, 2020)

- H. B. 4966 - Relating generally to updating the North American Industry Classification System code references (HOUSEHOLDER) (REGULAR)
- H. B. 4969 - Relating to providing tax credit for the donation or sale of a vehicle to certain charitable organizations (HOUSEHOLDER) (REGULAR)
- H. B. 4970 - Relating to military service as a factor in certain insurance coverage rates (SHOTT) (REGULAR)
- H. B. 4971 - Relating to a closing hospital (HOWELL) (REGULAR)

## HOUSE CALENDAR

Monday, February 24, 2020

48<sup>th</sup> Day

11:00 A. M.

### UNFINISHED BUSINESS

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

### THIRD READING

Com. Sub. for S. B. 534 - Removing workers' compensation exclusion for temporary legislative employees (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. 4096 - Requiring candidates to live in the state or local election district for the office for which they are seeking (SHOTT) (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. 4613 - Allowing the Division of Highways use money in the Gas Field Highway Repair and Horizontal Drilling Waste Study Fund (HOUSEHOLDER) (REGULAR)

Com. Sub. for H. B. 4690 - Relating to solid waste facilities (SHOTT) (REGULAR)

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)

## **FIRST READING**

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

**WEST VIRGINIA  
HOUSE OF DELEGATES**

---

**MONDAY, FEBRUARY 24, 2020**

---

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

---

**PUBLIC HEARING**

**COMMITTEE ON EDUCATION**

**9:00 A.M. – HOUSE CHAMBER**

**COM. SUB. FOR H. B. 4780, PERMITTING A SCHOOL-BASED  
DECISION-MAKING COUNCIL TO OFFER ELECTIVE COURSES OF  
INSTRUCTION ON THE BIBLE.**

**AGRICULTURE AND NATURAL RESOURCES**

**9:00 A.M. – ROOM 410 M**

**POLITICAL SUBDIVISIONS**

**10:00 A.M. – ROOM 410 M**

**COMMITTEE ON RULES**

**10:30 A.M. – BEHIND CHAMBER**

**COMMITTEE ON GOVERNMENT ORGANIZATION**

**4:00 P.M. – ROOM 215 E**











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