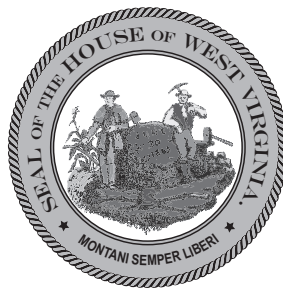


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Fourth Legislature
First Regular Session

Held at Charleston
Published by the Clerk of the House



January 22, 2019
FOURTEENTH DAY

Tuesday, January 22, 2019

FOURTEENTH DAY

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

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

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

The Clerk proceeded to read the Journal of Monday, January 21, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Delegate Summers announced that the Committee on Rules had transferred Com. Sub. for H. B. 2008, on second reading, Special Calendar, to the House Calendar.

Committee Reports

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

Your Committee on Education has had under consideration:

H. B. 2009, Creating a new category of Innovation in Education grant program,

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. 2527, Relating to forgery and other crimes concerning lottery tickets,

And,

H. B. 2509, Clarifying that theft of a controlled substance is a felony,

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. 2446, Blue Alert Plan,

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

H. B. 2446 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-3C-1, §15-3C-2, §15-3C-3, §15-3C-4, §15-3C-5, §15-3C-6, and §15-3C-7 of said code, all relating to the establishment of an alert system for law-enforcement officers missing in the line of duty or person suspected of killing or inflicting life threatening injuries upon a law-enforcement officer who remain at large; providing legislative findings and declarations relative to the Blue Alert plan; establishment of a Blue Alert program; definitions; activation of a Blue Alert; notice to participating media; broadcasting of a Blue Alert; notification to the Department of Transportation, the Division of Highways and the West Virginia Turnpike Commission of the Blue Alert; termination of the Blue Alert; immunity from criminal or civil liability; and authorization to promulgate guidelines and procedural rules,"

And,

H. B. 2435, Authorizing Attorney General to prosecute violations of state criminal law recommended by the Commission on Special Investigations,

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

Com. Sub. for H. B. 2435 - "A Bill to amend and reenact §4-5-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-3-2 of said code, all relating to authorizing and empowering the Attorney General to prosecute violations of state criminal law recommended by the Commission on Special Investigations under certain conditions; providing that CSI recommend prosecution of state criminal law violations to appropriate county prosecutor; providing that, if county prosecutor has not pursued the matter within six months, CSI must recommend the matter to the Attorney General; empowering and authorizing the Attorney General to prosecute violations of criminal law referred by CSI under certain conditions; and empowering the Attorney General to impanel a grand jury and prosecute a person indicted by that grand jury,"

With the recommendation that the committee substitutes each do pass.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 17 - "A Bill to amend and reenact §62-12-2 of the Code of West Virginia, 1931, as amended, relating to eligibility for probation generally; adding the option of a psychological study and diagnosis to the studies and treatment required for a person to be eligible for probation upon conviction of certain sexually related offenses; and adding offenses involving preparation, distribution, or exhibition of obscene matter to minors to the list of offenses for which such examinations are required for probation eligibility"; 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. 61 - "A Bill to amend and reenact §62-1D-8 of the Code of West Virginia, 1931, as amended, relating to including the crimes of treason, first and second degree murder, first degree robbery, and participation in an organized criminal enterprise to the list of crimes for which a

prosecutor may apply for a court order authorizing interception of communications”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 119 - “A Bill to amend and reenact §30-3C-1 and §30-3C-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-3C-5, all relating to discovery in certain proceedings; specifying certain health care peer review documents are confidential and not subject to discovery; providing that a person who testifies before a review organization or is a member of a review organization shall not be required to testify or asked about his or her testimony; providing that peer review proceedings, communications, and documents of a review organization are confidential and privileged and shall not be subject to discovery; providing that an individual may be given access to documents used as basis for an adverse professional review action, subject to a protective order as may be appropriate; providing that privilege is not deemed to be waived unless the review organization executes a written waiver; defining terms; and addressing original source materials”; which was referred to the Committee on the Judiciary.

Resolutions Introduced

Delegates R. Thompson, N. Brown, Canestraro and Lovejoy offered the following resolution, which was read by its title and referred to the Committee on Industry and Labor then Rules:

H. C. R. 25 - “Requesting the Joint Committee on Government and Finance study and analyze the discrepancy between estimates and actual readings of electrical meters.”

Whereas, There appears to be citizen complaints throughout this state concerning discrepancies between estimates and actual readings of electrical meters; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study and analyze the discrepancy between estimates and actual readings of electrical meters; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2020, 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.

Delegates Cadle, Westfall, Higginbotham, Toney, Cooper, Hott, J. Jeffries, Sypolt, Pack, Atkinson and Harshbarger offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 26 - “Requesting the Division of Highways name bridge number 18-2-2.72 (18A004), locally known as Millwood Bridge, carrying West Virginia Route 2 over Mill Creek in Jackson County, the ‘U. S. Army SGT Arthur “George” Roush Memorial Bridge’.”

Whereas, George Roush was born June 13, 1932, in Millwood, West Virginia; and

Whereas, George Roush worked on a riverboat prior to enlisting in the military and was active in 4-H and the church community; and

Whereas, George Roush enlisted in the United States Army in May 1952; and

Whereas, SGT George Roush was completing his tour of duty in Korea when he perished August 14, 1954; and

Whereas, It is fitting that an enduring memorial be established to commemorate SGT Arthur "George" Roush 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 18-2-2.72 (18A004), locally known as Millwood Bridge, carrying West Virginia Route 2 over Mill Creek in Jackson County, the "U. S. Army SGT. Arthur 'George' Roush Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army SGT. Arthur 'George' Roush Memorial Bridge"; and, be it

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

Delegates Linville, Rohrbach, Hanshaw (Mr. Speaker), Anderson, Angelucci, Atkinson, Azinger, Barrett, Bates, Bibby, Boggs, N. Brown, S. Brown, Butler, Byrd, Cadle, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Criss, Dean, Diserio, Doyle, Ellington, Espinosa, Estep-Burton, Evans, Fast, Fleischauer, Fluharty, Foster, Graves, Hamrick, Hanna, Hansen, Hardy, Harshbarger, Hartman, Hicks, Higginbotham, Hill, Hollen, Hornbuckle, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Lavender-Bowe, Longstreth, Lovejoy, Malcolm, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Miley, Miller, Nelson, Pack, Paynter, Pethtel, Phillips, Porterfield, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rowan, Rowe, Shott, Skaff, Sponaugle, Staggers, Steele, Storch, Summers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Waxman, Westfall, Williams, Wilson, Worrell and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 27 - "Requesting the President of the United States to designate a single state funeral to be held upon the death of the last living Medal of Honor recipient from World War II."

Whereas, Only 473 Americans were awarded the Congressional Medal of Honor, the nation's highest decoration of valor during World War II, and today only four of those Americans remain alive; and

Whereas, The time is approaching for a final salute to the Medal of Honor recipients from World War II; and

Whereas, A single state funeral to be held upon the death of the last living Medal of Honor recipient from World War II would be the perfect vehicle to do so, and it would also provide national recognition to honor all 16 million soldiers, sailors and airmen who served in our Armed Forces from 1941 to 1945; and

Whereas, General Douglas MacArthur, Supreme Allied Commander of the Pacific, and General Dwight Eisenhower, Supreme Allied Commander of Europe, were each honored by the nation with state funerals; and

Whereas, The selfless, brave men and women who served under them deserve the honor of special recognition at a state funeral to be held upon the death of the last living Medal of Honor recipient from World War II; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia Legislature hereby requests the President of the United States to designate a single state funeral to be held upon the death of the last living Medal of Honor recipient from World War II; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the President of the United States.

Delegates Lavender-Bowe, Capito, Estep-Burton, Nelson, Rowe, Robinson, Walker, J. Kelly, Graves, Angelucci and Campbell offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 28 - "Requesting the Division of Highways name bridge number 20-61-13.51 (20A817), locally known as New Chesapeake Bridge, carrying WV Route 61 over Fields Creek in Kanawha County, the 'Charleston Police Capt. Jerry D. Hill Memorial Bridge'."

Whereas, Charleston Police Captain Jerry D. Hill was born on November 17, 1962, in Charleston; and

Whereas, Captain Hill was a lifelong resident of Chesapeake, West Virginia; he was married to Deborah L. Hill; they had one son, Jonathan Hill, who is a detective in the Charleston Police Department, and two grandchildren, Lila Hill and Nash Hill; and

Whereas, Captain Hill graduated from East Bank Senior High School in May 1981, attended Concord College from August 1981 to June 1982, and completed the Basic Police Training course at West Virginia State Police Academy, Institute, July 21, 1986; and

Whereas, Jerry D. Hill served as a Private First Class in the United States Army Reserve, 261st Ordinance Company, located in Cross Lanes, from September 1983 to February 1989; and

Whereas, Jerry D. Hill served as an officer in the Charleston Police Department from March 17, 1986, to May 3, 2013, and attained the rank of Captain; and

Whereas, During his career in the Charleston Police Department, Captain Hill performed numerous duties and served in numerous managerial and supervisory capacities, including: Special Operations Bureau Chief (2010 to 2013); ranking Civil Service officer; service in the Warrants/Housing Division and the Community Services Division, Support Services Division; Chairman of the Conduct Review Board (appointed by the Chief of Police); served Deputy in the Traffic Division and later as the Traffic Division Commander (2005 to 2010); and

Whereas, Captain Hill also served as Special Events Coordinator (1997 to 2005) for the Charleston Police Department, responsible for security and safety for all special events held in the City of Charleston. Captain Hill also served as liaison to the Secret Service for all VIP and/or dignitary visits, including visits by the President, Vice President, and presidential candidates; and

Whereas, During his tenure at the West Virginia D.A.R.E. Training Center, Captain Hill trained police officers from all over the country to teach the D.A.R.E. curriculum, published the "WV D.A.R.E. Training Center Newsletter", instructed D.A.R.E. classes (1989-2003), and taught D.A.R.E. classes to 5th and 6th grade classes throughout the Kanawha County school system; and

Whereas, Captain Hill's honors and awards include the Professional Esteem Award, February 8, 2013; Officer of the Year Nominee – 1999; Officer of the Year Nominee – 1998; Officer of the Year Nominee – 1997; Professional Service Award, May 1988 –awarded for actions during a hostage situation; and

Whereas, Captain Hill's professional associations included Fraternal Order of Police, Capital City Lodge #74, Charleston, West Virginia; Chelyan Lodge #158 – A.F. & A.M.; 32° Ancient and Accepted Scottish Rite, Valley of Charleston, Orient of West Virginia; and Ancient Arabic Order of the Nobles of the Mystic Shrine, Beni Kedem Temple; and

Whereas, After his retirement from the Charleston Police Department, Captain Hill was employed by the Charleston Police Department Inventory Management, Support Services Division from June 20, 2013, to April 2014; was employed by the Arrow Security Southeast Belle, West Virginia Regional Director beginning March 31, 2015; and served as City of Charleston Director of Public Grounds from February 2016 to April 16, 2017; and

Whereas, Captain Hill's community volunteer experiences included: Youth League Football Coach, 1982 to 1987 (Chesapeake Vikings); 1996 to 2001 (Marmet Mustangs and Campbells Creek Cougars); Little League Baseball Coach, 1996 to 2001 (Chesapeake Pirates); Bidy League Basketball Coach, 1998 to 2001 (Chesapeake Raiders); Special Olympics Law Enforcement "Torch Run", 1995 to 2010; and Treasurer, Riverside High School Project Graduation 2009; and

Whereas, Captain Hill passed away on April 24, 2017; and

Whereas, Naming the bridge carrying WV Route 61 over Fields Creek in Kanawha County, the "Charleston Police Capt. Jerry D. Hill Memorial Bridge" is an appropriate recognition of his selfless service to his community, state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Commissioner of the Division of Highways is hereby requested to name bridge number 20-61-13.51 (20A817), locally known as New Chesapeake Bridge, carrying WV Route 61 over Fields Creek in Kanawha County, the "Charleston Police Capt. Jerry D. Hill Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "Charleston Police Capt. Jerry D. Hill Memorial Bridge"; and, be it

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

Delegates Pack and Cooper offered the following resolution, which was read by its title and referred to the Committee on Veterans' Affairs and Homeland Security then Rules:

H. C. R. 29 - "Requesting the West Virginia Department of Veterans Assistance to research and make recommendations regarding construction of a veterans' nursing home facility in Summers County."

Whereas, West Virginia has one of the highest proportions of its citizens in older age groups and many of these citizens have also served in the armed forces of our country; and

Whereas, There is only one nursing home facility dedicated to the care of veterans in this state and that facility is located in the northern half of the state at considerable distance from many of the state's communities and residents; and

Whereas, Aging veterans and their families benefit greatly by having access to a full-time residential care facility that is easily accessible in their own region; and

Whereas, The suitability of construction of such a facility in the southern portion of West Virginia is properly determined through an investigation of all relevant factors such as, but not limited to, access to the state veterans' community, site geography, comparative costs for construction and administration of the facility, and the additional economic benefits to the local economy; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the West Virginia Department of Veterans Assistance to research and make recommendations regarding construction of a veterans' nursing home facility in Summers County; and, be it

Further Resolved, That the Legislature hereby requests the department to submit a written report of its research and findings to the Legislature by December 31, 2019; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Secretary of the Department of Veterans Assistance.

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

By Delegates Householder, Howell, Rowan, Anderson, Sponaugle, Williams, Hartman, Barrett, Butler, Hill and Maynard:

H. J. R. 18 - "Proposing an amendment to the Constitution of the State of West Virginia amending section 1b, article X thereof, relating to providing property tax relief to senior citizens and certain disabled veterans; providing a maximum assessed value of a residential property owned by a senior citizen for purposes of determining property taxes; authorizing a total exemption for the principal residence of an honorably discharged veteran who is totally and permanently disabled due to a service-connected incident; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

Bills Introduced

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

By Delegates Foster, Steele, Waxman, Kessinger, Bibby, Hardy, Maynard, Mandt, J. Jeffries, Householder and D. Kelly:

H. B. 2574 - "A Bill to repeal §11-19-2 of the Code of West Virginia, 1931, as amended, relating to excise soft drink taxes"; to the Committee on Finance.

By Delegate Rodighiero:

H. B. 2575 - "A Bill to amend and reenact §5-16-5 of the Code of West Virginia, 1931, as amended, relating to freezing employee premiums at the current level until July 1, 2022"; to the Committee on Banking and Insurance then Finance.

By Delegate Rodighiero:

H. B. 2576 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13Q-5a, relating to establishing a tax credit for new businesses that locate in the state; setting forth how the credit is determined; establishing the conditions that must be met to qualify for the credit; and defining terms"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegate Rodighiero:

H. B. 2577 - "A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Public Employees Insurance Act; and authorizing insurance to married workers without children at reduced rates"; to the Committee on Banking and Insurance then Finance.

By Delegate Rodighiero:

H. B. 2578 - "A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, relating to allowing children in the custody of the state in any foster home, group home or other facility or residence to hunt and fish without a license"; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Nelson and Criss:

H. B. 2579 - "A Bill to amend and reenact §11-10-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-15-18a of said code, all relating to the collection of tax and the priority of distribution of an estate or property in receivership and the liability of the fiduciary"; to the Committee on the Judiciary.

By Delegate Rodighiero:

H. B. 2580 - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to the reduction of state income taxes for certain state and federal retirees by increasing the exemption on retirement income in calculating the federal gross income for state personal income tax purposes"; to the Committee on Pensions and Retirement then Finance.

By Delegate Rodighiero:

H. B. 2581 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27, relating to requiring recipients of Supplemental Nutrition Assistance Program be issued a photo identification card; establishing criminal penalties for misuse; and requires rule-making"; to the Committee on the Judiciary then Finance.

By Delegate Rodighiero:

H. B. 2582 - "A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to exempting all veterans of the Armed Forces or any Reserve component thereof from having to obtain a hunting, trapping or fishing license"; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Hill, Ellington, Pushkin, Rohrbach, Fleischauer, Walker, Staggers, McGeehan, Summers and Doyle:

H. B. 2583 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-56-1, §16-56-2, §16-56-3, §16-56-4, and §16-56-5, all relating to

permitting a pharmacist to dispense a self-administered hormonal contraceptive under a standing prescription drug order”; to the Committee on Health and Human Resources.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 2584 - “A Bill to amend and reenact §5-16-25 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-16-27; to amend said code by adding thereto a new section, designated §11B-2-15a, all relating generally to funding of Public Employees Health Insurance Program; requiring the finance board to maintain a reserve fund at actuarially recommended amounts of at least 10 percent of plan costs; removing requirement to transfer moneys resulting from plan savings into reserve fund; removing the cap in reserve fund of 15 percent before a transfer to West Virginia Retiree Health Benefit Trust Fund; establishing PEIA Rainy Day Fee and providing for its assessment and collection in current fiscal year of the state; providing for the Legislature to authorize assessment of Rainy Day Fee in subsequent fiscal years; establishing PEIA Rainy Day Fund as special, nonexpiring, interest-bearing revenue account in the State Treasury to be funded by Rainy Day Fee assessments; authorizing the Secretary of Revenue to assess and collect fee and give special revenue agencies additional time to pay fee when undue hardship exists; providing for the administration of the fund, including investment of funds, transfer of funds, and purposes for which the fund can be used; and authorizing the promulgation of emergency and legislative rules”; to the Committee on Banking and Insurance then Finance.

By Delegates Malcolm, D. Jeffries, Kump, D. Kelly, Phillips, Kessinger, Mandt, Porterfield, Hanna, Graves and Butler:

H. B. 2585 - “A Bill to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to the State Fire Commission promulgating a rule for the state building code to require large venues to have portable exit barriers to guide people to targeted exit areas for faster and safer exiting”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegates Staggers, Jennings, Bates and Boggs:

H. B. 2586 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-3C-4a, relating to requiring certain community and technical colleges or career and technical education centers to offer training to be a firefighter or emergency medical technician”; to the Committee on Fire Departments and Emergency Medical Services then Education.

By Delegates Fleischauer, Miley, C. Thompson, Higginbotham, Linville, Walker, S. Brown, Lovejoy, Canestraro, Byrd and Fluharty:

H. B. 2587 - “A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to prohibiting violations of an individual’s civil rights because of disability or sexual orientation; new definitions; and criminal penalty; and designating changes and section as ‘Angel’s Law’”; to the Committee on the Judiciary.

By Delegates Lovejoy, Miller, N. Brown, Paynter, Canestraro, Caputo, Maynard, Williams, Robinson, Zukoff and Steele:

H. B. 2588 - “A Bill to amend and reenact §23-4-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that the time limitations provided for filing occupational pneumoconiosis claims do not apply or otherwise limit the ability of a claimant to obtain an evaluation from the Occupational Pneumoconiosis Board”; to the Committee on the Judiciary.

By Delegates Hansen, Ellington, Hanna, Miley, Lovejoy, McGeehan, Phillips, Evans, Fleischauer and Miller:

H. B. 2589 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-20, relating to siting certain solar energy projects on formerly mined land in West Virginia; authorizing transmission or wheeling agreements to transmit the electrical output from certain solar energy projects to large energy consumers within West Virginia; making legislative findings; defining terms; creating an exception to the general regulatory structure for solar energy project owners or operators and large energy consumers purchasing the output therefrom so that they are not deemed public utilities; authorizing affected electric utilities to recover reasonable charges for transmission, distribution, and other related services; and authorizing the promulgation of rules exempt from the regular legislative review process"; to the Committee on Technology and Infrastructure then Energy.

By Delegate Porterfield:

H. B. 2590 - "A Bill to amend and reenact §11A-1-9 of the Code of West Virginia, 1931, as amended, relating to payment of taxes by co-owner or others"; to the Committee on the Judiciary.

By Delegates Malcolm, D. Jeffries, Kump, D. Kelly, Phillips, Kessinger, Mandt, Porterfield, Hanna and Butler:

H. B. 2591 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, relating to requiring lighted exit signs in buildings where members of the public may frequent"; to the Committee on Government Organization.

By Delegates Howell, Pack, C. Martin, D. Jeffries, Cadle, Hott, Worrell, J. Jeffries, Porterfield, Sypolt and Bibby:

H. B. 2592 - "A Bill to amend and reenact §30-1-19 of the Code of West Virginia, 1931, as amended, relating to requiring all boards colocating in the same area and office space"; to the Committee on Government Organization.

By Delegate Rohrbach:

H. B. 2593 - "A Bill to amend and reenact §18-9A-12 of the Code of West Virginia, 1931, as amended, relating to limiting the increase or decrease of state funding to a county board of education to no more than two percent"; to the Committee on Education then Finance.

By Delegates Butler, Cadle, Jennings, Kump, Hansen, Azinger, Sypolt, Bates, Malcolm, Graves and D. Jeffries:

H. B. 2594 - "A Bill to amend and reenact §31-2A-2 of the Code of West Virginia, 1931, as amended, relating to prohibiting railroads from blocking crossings on privately owned streets"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Pack, Graves, Cooper, Paynter, Steele, Harshbarger, Sypolt, Jennings, Evans, Storch and Maynard:

H. B. 2595 - "A Bill to amend and reenact §5-10-17 and §5-10D-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, §20-17-5, §20-17-6, §20-17-7, §20-17-8, §20-17-9, §20-17-10, §20-17-11, §20-17-12, §20-17-13, §20-17-14, §20-17-15, §20-17-16, §20-17-17, §20-17-18, §20-17-19, §20-17-20, §20-17-21, §20-17-22, §20-17-23, §20-17-24, §20-17-25, §20-17-26, §20-17-27, §20-17-28, §20-17-29, §20-17-30, §20-17-31, §20-17-32, §20-17-33, §20-17-34, §20-17-35 and §20-17-36; to amend and reenact §20-2B-10 of said code; and to amend said code by adding thereto a new article, designated §20-18-1, all relating to establishing the West Virginia Division of Natural Resources Police Officer Retirement System"; to the Committee on Pensions and Retirement then Finance.

By Delegates J. Jeffries, Householder, Butler, D. Jeffries, Graves, Steele, Maynard, Paynter, Summers, Kump and Wilson:

H. B. 2596 - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing for a special 'Don't Tread On Me' license plate"; to the Committee on Technology and Infrastructure then Finance.

By Delegates Porterfield, J. Jeffries, Maynard, Cooper, Malcolm, Paynter, Cadle, Wilson, Harshbarger, Fast and Foster:

H. B. 2597 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-46g, relating to creating a hunting permit to safely accommodate visually impaired hunters; setting forth the permit's requirements; requiring that the permittee and his or her assistant must also hold the underlying hunting licenses or otherwise be exempt; and authorizes rulemaking"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Hanshaw (Mr. Speaker), Miley and Nelson:

H. B. 2598 - "A Bill to amend and reenact §29-12-5 of the Code of West Virginia, 1931, as amended, relating to a charitable or public service organization must submit a certifying statement attesting to its status as a charitable or public service organization"; to the Committee on Government Organization.

By Delegate Rowan:

H. B. 2599 - "A Bill to amend and reenact §20-7-1d and §20-7-1f of the Code of West Virginia, 1931, as amended, all relating to awarding service weapons to special natural resources police officers upon retirement; disposal of service weapon when replaced due to routine wear; and furnishing uniform for burial; and making stylistic changes"; to the Committee on the Judiciary.

By Delegates Summers and Kessinger:

H. B. 2600 - "A Bill to amend and reenact §3-4A-15 of the Code West Virginia, 1931, as amended, relating to publication of sample ballots"; to the Committee on the Judiciary.

By Delegates Hanshaw (Mr. Speaker), Miley and Nelson:

H. B. 2601 - "A Bill to amend and reenact §5A-10-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5A-10-12, all relating to the review and approval of state property leases by requiring two signatures and the review and approval of leasing of state property to nongovernment entities"; to the Committee on Government Organization.

By Delegates Miller, Canestraro, Hollen, N. Brown and D. Kelly:

H. B. 2602 - "A Bill to amend and reenact §61-3-18 of the Code of West Virginia, 1931, as amended, relating to receiving or transferring stolen property; and providing that to knowingly possess stolen goods is an element of the offense of receiving or transferring stolen property"; to the Committee on the Judiciary.

By Delegates Hanshaw (Mr. Speaker), Miley and Nelson:

H. B. 2603 - "A Bill to amend and reenact §60-3-15, §60-3-17 and §60-3-18 of the Code of West Virginia, 1931, as amended, all relating to the amount permitted to remain in the West Virginia Alcohol Beverage Control Administration's operating fund and providing for reports regarding the fund balance to ensure operations are maintained"; to the Committee on Government Organization then Finance.

By Delegates R. Thompson, Evans, Lovejoy and N. Brown:

H. B. 2604 - "A Bill to amend and reenact §18-7A-17 of the Code of West Virginia, 1931, as amended, relating to the State Teachers Retirement System; and permitting service credit to persons with alternative school teaching experience"; to the Committee on Pensions and Retirement then Finance.

By Delegate Kump:

H. B. 2605 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §8-5-5a, relating to placing on the ballot of voters in every municipality of this state the question of whether the municipality should hold its future municipal elections on a state general election day"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Estep-Burton, Lavender-Bowe, S. Brown and Doyle:

H. B. 2606 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7d, relating to requiring 30 minutes of unstructured play time daily for students in kindergarten through grade 5 in public schools in West Virginia"; to the Committee on Education.

Special Calendar**Third Reading**

Com. Sub. for H. B. 2362, Relating to procedures for voting an emergency absentee ballot by qualified voters; 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. 12**), 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: Hollen, Queen and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2362) passed.

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

Second Reading

Com. Sub. for H. B. 2095, Assessing the college- and career-readiness of 11th and 12th grade 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. 2193, Providing a specific escheat of US savings bonds; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Shott and Fast, the bill was amended on page four, section two-a, line twelve, after the word "shall", by inserting following: ", upon satisfaction by the administrator of the requirements of §36-8-2a(c) through (e), inclusive,".

On page four, section two-a, line sixteen, after the word "Virginia", by striking out the remainder of the sentence and inserting the following in lieu thereof: ", subject only to the provisions of §36-8-15 and §36-8-16 of this code."

On page five, section two-a, line eighteen, after the word "filed", by striking out the words "in accordance with the provisions of §36-8-2a(g)" and inserting in lieu thereof the words "pursuant to the provisions of §36-8-15 and §36-8-16".

On page five, section two-a, line nineteen, after the word “bonds”, by striking out the words “the administrator may commence a civil action” and inserting in lieu thereof the words “but before such savings bonds escheat to the State of West Virginia, a civil action must be commenced by the administrator”.

On page five, section two-a, line twenty-five, before the word “If”, by inserting the following:

“Any person claiming ownership, including all persons claiming rights, powers and privileges of survivorship and any co-owner or beneficiary, or his or her agent, may appear and defend his or her rights to the subject bond or bonds, and if the Court is satisfied that the claimant is entitled to the bonds, may award judgment in the claimant’s favor.”

On page five, section two-a, line twenty-eight, after the word “bonds”, by striking out the words “, including bonds in the possession of the administrator and those lost, stolen or destroyed bonds registered to persons with last known addresses in the state,”.

On page five, section two, line thirty-three, after the word “Virginia”, by changing the period to a comma and inserting the words “subject only to the provisions of §36-8-15 and §36-8-16 of this code.”

On page five, section two-a, line thirty-four, before the word “administrator”, by striking out the word “The” and inserting in lieu thereof the words “Upon being awarded a judgment that the United States savings bond or bonds have escheated to the State of West Virginia, the”.

On page five, section two-a, line thirty-nine, after the word “code,” by inserting a period and striking out the remainder of the sentence.

And,

On page five, section two-a, line forty-one, by striking out all of subsection (g).

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 2423, Prohibiting certain sex offenders from being in a supervisory position over children; 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, were each read a first time and ordered to second reading:

Com. Sub. for H. B. 2005, Broadband Expansion Act of 2019,

Com. Sub. for H. B. 2346, Changing the licensing requirement for certain casino employees,

Com. Sub. for H. B. 2360, Placing the Athletic Commission under the Lottery Commission,

H. B. 2412, Relating to criminal acts concerning government procurement of commodities and services,

Com. Sub. for H. B. 2422, Relating to the time for the observation of “Celebrate Freedom Week”,

H. B. 2459, Exercising authority to exempt individuals domiciled within the state from certain restrictions contained in federal law,

And,

H. B. 2462, Issuing a certificate to correctional employees to carry firearms.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Hollen, Queen and Skaff.

Miscellaneous Business

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

- Delegate Hansen for H. B. 2073
- Delegates Jeffries and Paynter for H. B. 2119
- Delegate C. Thompson for H. B. 2041 and H. B. 2169
- Delegates Cowles, Hansen, Robinson, Rowe and Walker for H. B. 2219
- Delegates Mandt and Steele for H. B. 2446
- Delegate Westfall for H. B. 2468
- Delegate Pyles for H. B. 2543, H. B. 2544, H. B. 2545, H. B. 2555, H. B. 2556, H. B. 2565, H. B. 2568 and H. B. 2569
- Delegates Lavender-Bowe and Pyles for H. B. 2548

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

- Delegates Cadle and Steele for H. B. 2357

At 11:21 a.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 23, 2019.

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

SPECIAL CALENDAR

Wednesday, January 23, 2019

15th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2095 - Assessing the college- and career-readiness of 11th and 12th grade students (HAMRICK) (REGULAR)
- Com. Sub. for H. B. 2193 - Providing a specific escheat of US savings bonds (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2423 - Prohibiting certain sex offenders from being in a supervisory position over children (SHOTT) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2005 - Broadband Expansion Act of 2019 (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2346 - Changing the licensing requirement for certain casino employees (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2360 - Placing the Athletic Commission under the Lottery Commission (HOWELL) (REGULAR)
- H. B. 2412 - Relating to criminal acts concerning government procurement of commodities and services (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2422 - Relating to the time for the observation of "Celebrate Freedom Week" (HAMRICK) (REGULAR)
- H. B. 2459 - Exercising authority to exempt individuals domiciled within the state from certain restrictions contained in federal law (SHOTT) (REGULAR)
- H. B. 2462 - Issuing a certificate to correctional employees to carry firearms (SHOTT) (REGULAR)

FIRST READING

- H. B. 2009 - Creating a new category of Innovation in Education grant program (HAMRICK) (REGULAR)
- Com. Sub. for H. B. 2435 - Authorizing Attorney General to prosecute violations of state criminal law recommended by the Commission on Special Investigations (SHOTT) (REGULAR)

Com. Sub. for H. B. 2446 - Blue Alert Plan (SHOTT) (REGULAR)

H. B. 2509 - Clarifying that theft of a controlled substance is a felony (SHOTT)
(REGULAR)

H. B. 2527 - Relating to forgery and other crimes concerning lottery tickets
(SHOTT) (REGULAR)

HOUSE CALENDAR

Wednesday, January 23, 2019

15th Day

11:00 A. M.

SECOND READING

Com. Sub. for H. B. 2008 - Relating to nonpartisan election of justices of the Supreme Court of Appeals (SHOTT) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

WEDNESDAY, JANUARY 23, 2019

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON THE JUDICIARY
9:00 A.M. – ROOM 418M**

**COMMITTEE ON EDUCATION
9:00 A.M. – ROOM 432M**

**COMMITTEE ON GOVERNMENT ORGANIZATION
9:00 A.M. – ROOM 215E**

**COMMITTEE ON FINANCE
9:00 A.M. & 2:00 P.M. – ROOM 464M**

**VETERANS AFFAIRS & HOMELAND SECURITY
1:00 P.M. – ROOM 432M**

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