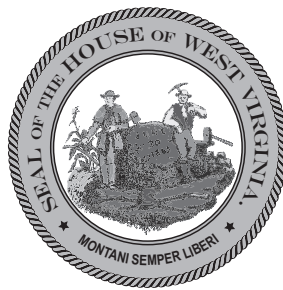


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Fourth Legislature
First Regular Session

Held at Charleston
Published by the Clerk of the House



January 14, 2019

SIXTH DAY

Monday, January 14, 2019

SIXTH DAY

[MR. SPEAKER, MR. HANSHAW, 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 Friday, January 11, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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. 2128, Allowing state employees to take paid leave to attend parent-teacher conference for their children,

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

Com. Sub. for H. B. 2128 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-29, relating to allowing state employees to take paid leave to attend parent-teacher conferences for their children,"

With the recommendation that the committee substitute 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 (Com. Sub. for H. B. 2128) to the Committee on Finance was abrogated.

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. 2028, Limiting supervision of laying of lines on state rights-of-way,

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

Com. Sub. for H. B. 2028 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-13A-9b, relating to public service districts' laying of water or sewer lines on state rights-of-way; limiting the onsite time required supervision by a state

engineer; and requiring payment and performance bonds to cover a reasonable length of time for defects to be discovered,”

And,

H. B. 2038, Relating to the procedure to determine if an occupation or profession should be regulated,

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

Com. Sub. for H. B. 2038 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1A-2a, relating to the procedure to determine if an occupation or profession should be regulated; providing when an application to regulate is prohibited; providing for the legislative auditor to review other state occupation and professional regulations; and providing for the sunset of occupation or professional regulation,”

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. 2184, Removing restrictions on where certain traditional lottery games may be played,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2184) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2183, Clarifying where a charge of DUI may be brought against an individual,

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

Com. Sub. for H. B. 2183 - “A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, clarifying that the offense of driving under the influence of alcohol, controlled substances, or drugs must, in instances not causing bodily injury or death, be for circumstances where the operator is upon a public highway, or is on a private road either before or after entering or exiting a public highway,”

With the recommendation that the committee substitute do pass.

Resolutions Introduced

Delegates Staggars, Evans, Kessinger, Hamrick, N. Brown, Angelucci, Atkinson, Azinger, Barrett, Bates, Boggs, S. Brown, Butler, Caputo, Diserio, Doyle, Ellington, Fast, Graves, Hanna, Hansen, Hartman, Hornbuckle, Howell, D. Jeffries, Jennings, D. Kelly, J. Kelly, Kump, Lavender-Bowe,

Linville, Longstreth, Malcolm, C. Martin, McGeehan, Miley, Nelson, Pack, Pethtel, Phillips, Pushkin, Pyles, Rodighiero, Rowan, Rowe, Skaff, Sponaugle, Steele, Swartzmiller, Sypolt, C. Thompson, Toney, Walker, Waxman, Westfall, Wilson and Zukoff offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. R. 5 - "Honoring U. S. Army SPC4 Carmel Harvey Jr., Medal of Honor recipient."

Whereas, Carmel Harvey Jr. was born in Montgomery, West Virginia, October 6, 1946; and

Whereas, Carmel Harvey Jr. lived with his family in a coal camp at Page, West Virginia; and

Whereas, At the age of 20, Carmel Harvey Jr. had entered the United States Army and was deployed to Vietnam; and

Whereas, SPC4 Carmel Harvey Jr. was injured by a punji trap, but recuperated and returned to duty with his unit, Company B, 1st Battalion, 5th Cavalry Regiment, 1st Cavalry Division (Airmobile), and

Whereas, On June 21, 1967, in Binh Dinh Province, Fire Team Leader SPC4 Carmel Harvey Jr. and his platoon were ordered to secure a downed helicopter. After establishing a defensive perimeter around the aircraft, SPC4 Harvey's position was attacked from three sides by a large enemy force. Harvey and two members of his squad received heavy incoming machine gun fire. When the other two soldiers were wounded, SPC4 Harvey increased his deliberate rifle fire at the enemy, which caused the enemy to concentrate fire on Harvey himself; and

Whereas, An enemy bullet struck a grenade on Harvey's belt, arming the grenade and causing the grenade to become entangled in his belt. The soldier realized what was happening and the danger the armed grenade posed to himself and his fellow soldiers. Unable to quickly remove the grenade from his belt, SPC4 Harvey jumped to his feet, shouted a challenge to the enemy, and charged the machine gun. The grenade exploded before SPC4 Harvey reached the machine gun but the explosion, which killed Harvey, so stunned the enemy that it caused a pause in the enemy action allowing the wounded to be removed and the platoon to be extracted from the area. The young hero was 20 years old; and

Whereas, In 1969, President Richard Nixon presented the Congressional Medal of Honor to SPC4 Carmel Harvey Jr's parents, who had moved to the Southside community of Chicago when Carmel Harvey Jr. was a young teenager. In Chicago, Harvey attended George Washington High School and was a star on the baseball field. Following high school Harvey was drafted by the Chicago Cubs. After suffering a knee injury which prevented him from beginning a baseball career, Harvey enlisted in the U. S. Army; and

Whereas, SPC4 Harvey has been hailed as a hero of the city where a high school gymnasium bears his name. The Harvey Functional Fitness Center at Fort Hood, Texas reminds those serving today of this Mountain State hero. Harvey's sister, Frances, said that her brother would always take care of his friends whenever they would go places and do things; and

Whereas, It is appropriate that the state fully recognize and honor the memory of SPC4 Carmel Harvey Jr, a native West Virginia patriot who so unselfishly gave his life to protect his fellow soldiers; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby honors the memory of native son and Congressional Medal of Honor recipient SPC4 Carmel Harvey Jr. honored for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty; and, be it

Further Resolved, That the Clerk of the House forward copies of this resolution to the Executive Editor in Chief of the *Charleston Gazette-Mail*, and James McCormick, State Commander of the Military Order of the Purple Heart.

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

By Delegate Foster:

H. J. R. 12 - "Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating to exempting from ad valorem taxation personal property in the form of manufacturing inventory and manufacturing equipment; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance.

Petitions

Delegate Boggs presented a petition signed by citizens of the State in support of increased funding for Senior Centers; which was referred to the Committee on Finance.

Bills Introduced

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

By Delegates Shott, Kessinger, Wilson, Fast, Waxman, Kump, D. Kelly, Espinosa, Toney, Westfall and Higginbotham:

H. B. 2003 - "A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to extending expungement of certain criminal convictions beyond a misdemeanor offense; and, establishing a fee for the expungement of certain criminal convictions upon proper petition"; to the Committee on the Judiciary.

By Delegates Espinosa, Graves, Harshbarger, Foster, Worrell, Hanna, Dean, Sypolt, Hamrick and Howell:

H. B. 2004 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18-2-7d and §18-2-40; to amend and reenact section §18B-3C-4 of said code; to amend said code by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3 and §21-1E-4; and to amend said code by adding thereto a new article, designated §30-1E-1, §30-1E-2, §30-1E-3 and §30-1E-4, all relating to providing for a program of instruction in workforce preparedness; providing career and technical education program of study information for students and parents; requiring the transcription earned of dual credits; elevating the priority of community and technical college/career and technical education consortia on program integration to meet region and state labor market needs; providing for joint State Board and Council for Community and Technical College Education guidelines on program administration; providing joint responsibility of State Superintendent and Chancellor for certain activities and reporting; requiring standards and procedures for recognizing career technical training acquired in public schools, apprenticeships and training programs toward occupational testing, certification and/or licensure; establishing purpose and intent; providing definitions; requiring rules providing standards and procedures be proposed by Commissioner of Labor and by licensing boards and commissions"; to the Committee on Education.

By Delegates Linville, Hanna, Anderson, Hollen, D. Jeffries, Sypolt, Hardy, Fast, Maynard, Phillips and Rowan:

H. B. 2005 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-6L-1, §11-6L-2, §11-6L-3, §11-6L-4, §11-6L-5 and §11-6L-6, to amend said code by adding thereto two new sections, designated §31G-4-4, and §31G-4-5, and to amend said code by adding thereto a new chapter, designated §31H-1-1, §31H-1-2, §31H-2-1, §31H-2-2, §31H-2-3, and §31H-2-4, all relating to providing a special method for valuation of certain wireless technology property for property taxes; defining terms; providing mandated salvage valuation of certain wireless businesses' property; specifying method for valuation of certain property; requiring initial determination by county assessors of whether certain property is subject to this article; and specifying procedure for protest and appeal of determination by county assessor; establishing Public Service Commission jurisdiction over make-ready pole access within the state, and relating to the determination of the feasibility of electric utilities constructing and operating middle-mile broadband internet projects to serve certain unserved and underserved areas; defining certain terms; delineating the factors that must be contained in certain feasibility studies; requiring the Broadband Enhancement Council and the Public Service Commission to assist electric utilities in the determination of the feasibility of certain proposed middle-mile broadband development projects; requiring that the Broadband Enhancement Council render a judgment as to the feasibility of middle-mile broadband internet projects within a certain period of time; and requiring certain reports be submitted to certain officials and committees; the establishment of the West Virginia Small Wireless Facilities Deployment Act; making legislative findings; defining terms; providing for access to public rights-of-way for the collocation of small wireless facilities; providing and limiting state and local government authority to prohibit, regulate or charge for collocation; authorizing and limiting activities and equipment of providers; excluding micro wireless facilities from regulation; authorizing and limiting permits for activities; providing for the collection of fees and setting the amount of fees; authorizing and limiting access to collocation sites, structures and equipment; authorizing and limiting agreements between authority and provider; and providing for certain local zoning, indemnification, insurance, bonding and other forms of surety requirements"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Shott, Cadle, Higginbotham, Espinosa, Waxman and Porterfield:

H. B. 2352 - "A Bill to amend and reenact §58-5-1 of the Code of West Virginia, 1931, as amended, relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals; and providing that all appeals shall be afforded a full and meaningful review, an opportunity to be heard, and a written decision on the merits"; to the Committee on the Judiciary.

By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson:

H. B. 2353 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section article, designated §17-4-56, relating to permitting the Commissioner of the Division of Highways to purchase hardware items and equipment from a local seller rather than the holder of a state contract if the cost of the item or equipment is less than the cost from the holder of the state contract; to the Committee on Government Organization then the Judiciary.

By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson:

H. B. 2354 - "A Bill to amend and reenact §30-27-9 of the Code of West Virginia, 1931, as amended, relating to removing requirements to take an examination for a license to practice in this state, to the creation of a provisional license to practice in this state by an applicant with an expired license from another state, and directing the board to set the applicable fees for a provisional license; to the Committee on Government Organization.

By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson:

H. B. 2355 - "A Bill to amend and reenact §17C-7-6 of the Code of West Virginia, 1931, as amended, relating to limiting the continuous operation of a vehicle in the left lane of a multilane roadway"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson:

H. B. 2356 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-1-7, relating to the requirement that all executive branch agencies maintain a website that contains specific information"; to the Committee on Government Organization.

By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson:

H. B. 2357 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17A-16F-1, §17A-16F-2, §17A-16F-3, §17A-16F-4, §17A-16F-5, and §17A-16F-6, all related to creating the Right to Repair Act; requiring a manufacturer of motor vehicles sold in the state to make diagnostic and repair information available to owners independent repair facilities that the manufacturer makes available to its dealers through the manufacturer's Internet-based diagnostic and repair information system; providing exceptions; providing additional remedies; and defining terms"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson:

H. B. 2358 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-32-1, §22-32-2, §22-32-3, and §22-32-4, all relating to creating the Intrastate Coal and Use Act; establishing that the environmental regulation of coal and certain coal products mined and used within the state are exclusively regulated by the West Virginia Department of Environmental Protection; stating the legislative authority; and defining terms"; to the Committee on Energy then the Judiciary.

By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson:

H. B. 2359 - "A Bill to amend and reenact §17E-1-8 of the Code of West Virginia, 1931, as amended, relating to exempting commercial motor vehicle operators employed with a farm related service industry from the commercial driver's license requirements for a limited time period"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Howell, Hanna, Hott, Steele, Linville, Pack, Phillips, Cadle, Worrell, Hill and Wilson:

H. B. 2360 - "A Bill to amend and reenact §29-5A-1a of the Code of West Virginia, 1931, as amended, relating to placing the Athletic Commission under the Lottery Commission"; to the Committee on Government Organization.

By Delegates Skaff, Canestraro, Robinson, Byrd, Miley, Hartman, Westfall and Ellington:

H. B. 2361 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §33-6-39, relating to defining certain key terms; prohibiting insurers from requiring dentists to provide discount on noncovered services; prohibiting dentists from charging more for covered persons on noncovered services than his or her customary or usual rate for the services; and providing that insurers may not provide for a nominal reimbursement for a service in

order to claim that a service or material is covered”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Miller, Shott, Campbell, Lovejoy, Canestraro, Maynard, Hornbuckle, Summers and Robinson:

H. B. 2362 - “A Bill to amend and reenact §3-3-5c of the Code of West Virginia, 1931, as amended, relating to procedures for voting an emergency absentee ballot by qualified voters; and providing a mechanism to allow a qualified voter who is confined to a specific location within the county other than a hospital or other duly licensed health care facility or a nursing home and is prevented from travelling to a polling place and voting in person because of illness, injury or other medical reason, or a physical disability or immobility due to extreme advanced age”; to the Committee on the Judiciary.

By Delegates Staggers, Angelucci, Kessinger, Fast, Skaff and Robinson:

H. B. 2363 - “A Bill to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating to the Upper Kanawha Valley Resiliency and Revitalization Program; extending the length of the program; clarifying the reporting requirements for the program; removing certain language regarding funding; and requiring an assessment of the option of establishing or maintaining schools jointly pursuant to authority granted in said code”; to the Committee on Government Organization then Education.

By Delegates Pack, Hill, Kessinger, Graves, Steele, Higginbotham, Linville, Maynard, Sypolt, Cadle and Foster:

H. B. 2364 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-3-11, relating to the underbilling of customers by public utilities; limiting the amount of time a customer may be backbilled; and providing for payment periods for the underbillings”; to the Committee on the Judiciary.

By Delegates Foster, Higginbotham, Fast, Linville, Pack, Steele, Phillips, Shott, Summers, Kessinger and Cadle:

H. B. 2365 - “A Bill to amend and reenact §21A-1A-16 of the Code of West Virginia, 1931, as amended; and to amend and reenact §23-2-1a of said code, all relating to the definition of employee for the purposes of the unemployment compensation and workers compensation laws”; to the Committee on Industry and Labor then the Judiciary.

**By Mr. Speaker, Mr. Hanshaw
[By Request of the Executive]:**

H. B. 2366 - “A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said code; to amend said code by adding thereto a new section, designated §51-2A-24; to amend and reenact §51-9-1a of said code; to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, §51-11-9, §51-11-10, §51-11-11, §51-11-12, and §51-11-13; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2019; requiring board to dispose of cases by a certain date; requiring contested cases under State Administrative Procedures Act to go to the Intermediate Court of Appeals; transferring jurisdiction for review of family court final orders from circuit courts to Intermediate Court of Appeals; placing judges of Intermediate Court of Appeals under the judicial retirement system; altering the residency requirements for membership on the Judicial Vacancy Advisory Commission; creating the Intermediate Court of Appeals; providing a short title; providing legislative findings; defining terms; establishing and defining two geographical districts of the Intermediate Court of Appeals; requiring three-judge panels for proceedings; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; specifically excluding certain

matters from jurisdiction of the Intermediate Court of Appeals; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing that no two judges of the Intermediate Court of Appeals may be residents of the same state senatorial district or of the same county; providing a process for appointment of judges to the Intermediate Court of Appeals to staggered judicial terms; providing that the Governor's appointments are subject to Senate confirmation; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected office during judicial term; providing for temporary filling of judicial vacancy occurring before the expiration of an appointed judge's term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; requiring the chief judge of each Intermediate Court of Appeals district to publish and submit certain reports to the Legislature and Supreme Court of Appeals regarding pending cases; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority over the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals be filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings take place in publicly available facilities across the state; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for respective districts; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; and providing that certain appeals are reviewed and a written decision issued by either the Intermediate Court of Appeals or the Supreme Court of Appeals, as a matter of right"; to the Committee on the Judiciary then Finance.

By Delegates Miley and Caputo:

H. B. 2367 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-42, relating to creating a state program allowing high school students advance to getting a college degree or technical training while in high school; authorizing the board of education to enter into agreements with colleges, career and technical schools; and providing scholarship and financial support for eligible students"; to the Committee on Education then Finance.

By Delegate Pushkin:

H. B. 2368 - "A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to removing language requiring specific appropriations in order for the State Board of Education, State Department of Education, and the State Superintendent of Schools to provide education to children and adults housed in correctional facilities and regional jails"; to the Committee on Education then Finance.

By Delegate Howell:

H. B. 2369 - "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, and §17A-6F-3, all relating to creating a special motor vehicle collector license plate; defining collector motor vehicle and motor vehicle collector; allowing the holder of a motor vehicle collector license plate to transfer the special plate temporarily among collector motor vehicles owned by the collector; and establishing requirements and fees for a motor vehicle collector license plate application"; to the Committee on Technology and Infrastructure then Finance.

By Delegate McGeehan:

H. B. 2370 - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax"; to the Committee on Education then Finance.

By Delegate McGeehan:

H. B. 2371 - "A Bill to amend and reenact §11-21-3 of the Code of West Virginia, 1931, as amended, relating to abolishing the personal income tax"; to the Committee on Finance.

By Delegate McGeehan:

H. B. 2372 - "A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans that terminated and are being paid a reduced maximum benefit guarantee"; to the Committee on Pensions and Retirement then Finance.

By Delegate McGeehan:

H. B. 2373 - "A Bill to repeal §55-12A-3, §55-12A-6, §55-12A-7, §55-12A-8 and §55-12A-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §55-12A-1, §55-12A-2, §55-12A-4 and §55-12A-5 of said code, all relating to the procedure for claiming abandoned mineral interests; creating a procedure to quiet title to abandoned mineral interests by serving notice on a mineral rights owner; and requiring the filing of an affidavit with the county clerk within 60 days thereafter"; to the Committee on Energy then the Judiciary.

By Delegates McGeehan and J. Kelly:

H. B. 2374 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-1-5, relating to school curricular standards and assessments; discontinuing the use of common core standards and assessments in the state"; to the Committee on Education.

By Delegate McGeehan:

H. B. 2375 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9q, relating to creating the Save the Hospitals Act; exempting nonprofit hospitals that provide a certain amount of uncompensated care from sales tax and requiring West Virginia Hospital Finance Authority to promulgate rules to effectuate this section"; to the Committee on Health and Human Resources then Finance.

By Delegate Hornbuckle:

H. B. 2376 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-16A-1, §11-16A-2, §11-16A-3, §11-16A-4, §11-16A-5, §11-16A-6, §11-16A-7, §11-16A-8, §11-16A-9, §11-16A-10, §11-16A-11, §11-16A-12, §11-16A-13, §11-16A-14, §11-16A-15, §11-16A-16, §11-16A-17, §11-16A-18 and §11-16A-19, all relating to the legalization of marijuana; providing legislative findings; defining terms; allowing persons 21 years or older to use marijuana; authorizing personal cultivation in limited amounts; establishing prohibitions; establishing criminal penalties for underage sales, public consumption and use in a vehicle; requiring licensing for commercial growth and extraction; establishing requirements for sales and production establishments; allowing lawful possession, manufacture and sale of certain accessories; allowing commercial transport; prohibiting certain financial interests; requiring safety and warning labels for commercial sales; allowing local government to regulate and tax facilities; providing requirements for cultivation facilities; requiring certain state agencies to regulate and license various aspects of production, distribution and testing; establishing identification for purchase requirements; and

providing that certain contracts are enforceable”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Cooper and Nelson:

H. B. 2377 - “A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to making Promise scholarships available for students pursuing certificates or degrees through an accredited community and technical college education program”; to the Committee on Education then Finance.

By Delegate Espinosa:

H. B. 2378 - “A Bill to amend and reenact §18A-3-6 of the Code of West Virginia, 1931, as amended, relating generally to grounds for revocation of a teaching certificate; and providing that a teaching certificate or license shall be automatically revoked if a teacher is convicted of a criminal offense that requires him or her to register as a sex offender”; to the Committee on Education then the Judiciary.

By Delegates Espinosa and Higginbotham:

H. B. 2379 - “A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1A-4 of said code; and to amend and reenact §21-5-1 of said code, all relating to limitations on the use of wages and agency shop fees by employers and labor organization for political activities; prohibiting any person from coercing or intimidating any employee into making a political contribution or engaging in any form of political activity; prohibiting employers and any other persons responsible for the disbursement of wages and salaries from withholding or diverting any portion of an employee’s wages or salary for political activities without express, written authorization; providing for criminal penalties; setting forth requirements for employees to provide written authorization for disbursement of wages and salaries by an employer or other person for political activities; requiring the Secretary of State to promulgate forms; defining terms ‘political activities’ and ‘agency shop fees’; modifying definition of ‘deductions’ to exclude amounts for union or club dues; and making it an unfair labor practice under the Labor-Management Relations Act for the Private Sector for a labor organization to use agency shop fees paid by nonmembers for political activities, unless expressly authorized by the individual”; to the Committee on Industry and Labor then the Judiciary.

By Delegate Fleischauer:

H. B. 2380 - “A Bill to amend and reenact §33-15-2a and §33-15-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto three new sections designated §33-15-4s, §33-15-20a, and §33-15-22, all related to defining surprise bills and health care providers, adding new disclosure requirements for health care providers, hospitals, and insurers, adding the requirement that insurers develop an access plan for consumers, and establishing how surprise bills are to be handled in certain circumstances”; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegates Hornbuckle and Rohrbach:

H. B. 2381 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-9a, relating to exempting certain contracts between the Department of Health and Human Resources and West Virginia University or Marshall University from state purchasing requirements”; to the Committee on Education then Government Organization.

By Delegates Hornbuckle, Miller and Canestraro:

H. B. 2382 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-32, relating to making it a misdemeanor for a person to knowingly allow a felony drug offense to be committed on his or her property; creating a duty to report; creating

criminal penalties; and allowing a private cause of action”; to the Committee on Prevention and Treatment of Substance Abuse then the Judiciary.

By Delegates Hornbuckle, Rohrbach and R. Thompson:

H. B. 2383 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-5-9, relating to creating a pilot program for expansion of school-based mental health and school-based diversion; defining terms; detailing eligibility for schools to take part in the pilot program; setting requirements for schools that participate in the pilot program; authorizing mental health providers to provide certain services; requiring notice to parents and students of the pilot project; authorizing parents to opt-out in certain circumstances; requiring the collection of certain data in relation to the pilot project; explicitly stating that the pilot project does not require additional expenditures; authorizing rule making; and requiring that the pilot project may not begin until the Legislature approves the relevant rules”; to the Committee on Health and Human Resources then Education.

By Delegate Paynter:

H. B. 2384 - “A Bill to amend and reenact §5-10D-1 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, 20-17-4a, §20-17-5, §20-17-6, §20-17-6a, §20-17-6b, §20-17-6c, §20-17-6d, §20-17-6e, §20-17-7, §20-17-8, §20-17-9, §20-17-10, §20-17-11, §20-17-11a, §20-17-11b, §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, and §20-17-23, 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 Atkinson and Jennings:

H. B. 2385 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-19, relating to providing limited prescriptive authority to a licensed psychologist who meets certain criteria”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Fleischauer:

H. B. 2386 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2 and §18-2L-3; and to amend and reenact §18-5-13a of said code, all relating to the creation of a School Consolidation Task Force; designating membership of Task Force; establishing Task Force purpose to study effects of school closures in the last 30 years; and to place a moratorium on school closure and consolidation for five years, unless special referendum in county passed by voters”; to the Committee on Government Organization then Education.

By Delegates Boggs, Caputo and Miley:

H. B. 2387 - “A Bill to amend and reenact §17-4-19 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of Highways to verify legal employment status of contractors and vendor’s employees for certain road and bridge contracts”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Maynard and Jennings:

H. B. 2388 - “A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to permitting active members of the United States military and veterans who have been honorably discharged from service to elect one item, either real or personal to be exempt from the payment of various taxes”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Storch and Pyles:

H. B. 2389 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §51-12-1, §51-12-2, §51-12-3, §51-12-4, §51-12-5, §51-12-6, §51-12-7, §51-12-8, §51-12-9, §51-12-10, §51-12-11, §51-12-12, §51-12-13, §51-12-14, §51-12-15, and §51-12-16, all relating to the Model Veterans Treatment Court Act"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

By Delegate Cowles:

H. B. 2390 - "A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to creating an exemption from certain contract and common carrier laws for motor vehicles used by contract carriers exclusively for the transportation of railroad personnel"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Dean and R. Thompson:

H. B. 2391 - "A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended, relating to requiring school counselors in public schools to spend 100 percent of their time on comprehensive school counseling programs; and requiring county boards to ensure that school counselors are not assigned administrative or clerical duties as part of their regular work assignment or while students are present"; to the Committee on Education.

By Delegates Hartman and Caputo:

H. B. 2392 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-16-11b; and to amend said code by adding thereto a new section, designated §60-6-27, all relating to allowing the Alcohol Beverage Control Commissioner to issue special one-day licenses for the retail sale of nonintoxicating beer and alcoholic liquors to a duly organized nonprofit corporation, limited liability entity or an association having received federal tax-exempt status, when raising money for artistic, athletic, charitable, educational or religious purposes"; to the Committee on Government Organization.

By Delegates Dean, Rowan and R. Thompson:

H. B. 2393 - "A Bill to amend and reenact §5-16-5 of the Code of West Virginia, 1931, as amended, relating to fixing the premium cost sharing at no less than 80 percent for the employer and no more than 20 percent for the employee"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Fleischauer and Fast:

H. B. 2394 - "A Bill to amend and reenact §11-16-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-7-4 of said code, all relating to requiring licensees authorized to serve alcoholic liquors or nonintoxicating beer to have certain liability insurance coverage to cover the premises of the licensee; establishing statutory minimum level of insurance coverage; and directing the Alcoholic Beverage Control Commissioner, upon a finding that either statutory minimum insurance coverage is inadequate, to increase statutory minimum coverage amounts by legislative rule"; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Rowe:

H. B. 2395 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-15g, relating to requiring county boards of education to provide days prior to early voting during primary and general elections for registering eligible students to vote and being transported to vote"; to the Committee on Education then Finance.

By Delegate R. Thompson:

H. B. 2396 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, relating to requiring all state-funded institutions to purchase a minimum of 20 percent of fresh produce from in-state producers"; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Atkinson, J. Kelly, Miller and Cooper:

H. B. 2397 - "A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, relating to requiring county school boards to provide adequate mental health and counseling services in the form of the employment of a psychologist or psychiatrist to pupils to address issues stemming from rampant drug abuse"; to the Committee on Prevention and Treatment of Substance Abuse then Education.

By Delegates Harshbarger, Cooper and R. Thompson:

H. B. 2398 - "A Bill to amend and reenact §11-15-3c of the Code of West Virginia, 1931, as amended, relating to exempting from the sales tax all-terrain vehicles and utility terrain vehicles used as farm equipment"; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Rohrbach and Summers:

H. B. 2399 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-24, relating to regulating prior authorizations"; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Westfall:

H. B. 2400 - "A Bill to amend and reenact §33-3-15 of the Code of West Virginia, 1931, as amended, relating to eliminating taxation on annuity considerations collected and received by a life insurer"; to the Committee on Banking and Insurance then Finance.

By Delegates Criss, Pyles and Higginbotham:

H. B. 2401 - "A Bill to amend and reenact §30-20A-1, §30-20A-2, §30-20A-3, §30-20A-4, §30-20A-5, §30-20A-6 and §30-20A-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto nine new sections, designated §30-20A-8, §30-20A-9, §30-20A-10, §30-20A-11, §30-20A-12, §30-20A-13, §30-20A-14, §30-20A-15 and §30-20A-16, all relating to licensing the practice of athletic training; making the practice of athletic training unlawful without license or permit; establishing applicable law; defining terms; establishing eligibility for license; defining the scope of practice; establishing requirements for reciprocal agreements; establishing requirements for temporary permits; establishing renewal requirements; establishing requirements for delinquent or expedited licenses; establishing requirements for an active license; creating exemptions; requiring display of license; establishing complaint process and investigation procedures; establishing grounds for disciplinary action; establishing hearing procedures and right to appeal; providing for judicial review of decision; and providing criminal penalties"; to the Committee on Government Organization then the Judiciary.

By Delegates McGeehan and Shott:

H. B. 2402 - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; exempting social security benefits from personal income tax"; to the Committee on Finance.

By Delegate McGeehan:

H. B. 2403 - "A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-21-12 of said code, all relating to exempting firefighters

and volunteer firefighters from payment of income and real and personal property taxes"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

Special Calendar

First Reading

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

H. B. 2164, Clarifying that appeals to the Supreme Court are a matter of right,

And,

H. B. 2351, Relating to regulating prior authorizations.

Miscellaneous Business

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

- Delegates Fleischauer, Fluharty and Pushkin for H. B. 2185
- Delegate Hanna for H. B. 2342
- Delegates Harshbarger, Steele and Wilson for H. B. 2183
- Delegate Kump for H. B. 2370, H. B. 2374, H. B. 2375 and H. B. 2402
- Delegate Lovejoy for H. B. 2168, H. B. 2200, H. B. 2224, H. B. 2318, H. B. 2344 and H. B. 2348

At 11:14 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 15, 2019.

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

SPECIAL CALENDAR

Tuesday, January 15, 2019

7th Day

11:00 A. M.

SECOND READING

H. B. 2164 - Clarifying that appeals to the Supreme Court are a matter of right (SHOTT) (REGULAR)

H. B. 2351 - Relating to regulating prior authorizations (ELLINGTON) (REGULAR)

FIRST READING

Com. Sub. for H. B. 2028 - Limiting supervision of laying of lines on state rights-of-way (HOWELL) (REGULAR)

Com. Sub. for H. B. 2038 - Relating to the procedure to determine if an occupation or profession should be regulated (HOWELL) (REGULAR)

Com. Sub. for H. B. 2128 - Allowing state employees to take paid leave to attend parent-teacher conference for their children (HOWELL) (REGULAR)

Com. Sub. for H. B. 2183 - Clarifying where a charge of DUI may be brought against an individual (SHOTT) (REGULAR)

House Calendar

Tuesday, January 15, 2019

7th Day

11:00 A. M.

NO BILLS

**WEST VIRGINIA
HOUSE OF DELEGATES**

TUESDAY, JANUARY 15, 2019

HOUSE CONVENES AT 11:00 A.M.

**AGRICULTURE AND NATURAL RESOURCES
8:30 A.M. – ROOM 215E**

**INDUSTRY & LABOR
10:00 A.M. – ROOM 215E**

**POLITICAL SUBDIVISIONS
1:00 P.M. – ROOM 434M**

**HEALTH & HUMAN RESOURCES
2:00 P.M. – ROOM 215E**

**PENSIONS & RETIREMENT
4:00 P.M. – ROOM 460M**

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