

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 11, 2019
THIRD DAY

Friday, January 11, 2019

THIRD 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 Thursday, January 10, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

By Delegates Ellington, Hill, Rohrbach, Rowan, Summers, C. Thompson, Walker, Stagers, Atkinson and Angelucci:

H. B. 2351 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating to regulating prior authorizations; defining terms; providing for electronically transmitted prior authorization forms; establishing procedures for submission and acceptance of forms; setting forth an effective date; providing for implementation applicability; and setting deadlines."

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

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

Resolutions Introduced

Delegates Pack, Steele, Foster, Campbell, J. Jeffries, Phillips, Worrell, Mandt, Toney, Linville and Higginbotham offered the following resolution, which was read by its title and referred to the Committee on the Judiciary:

H. C. R. 3 - "Urging Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing an amendment to the Constitution of the United States to limit the terms of office that a person may be elected as a member of the United States Senate."

Whereas, Article IV, Section 4 of the Constitution of the United States guarantees to every state a republican form of government which gives each state equal standing when calling for an amendments convention. Article V of the Constitution of the United States reserves to the several states the right to call for a convention for the purpose of amending the United States Constitution; and

Whereas, The states alone have the authority to “limit” the agenda and authority of a convention. The states alone can call for a “Single Issue” convention by agreeing among themselves the purpose, terms, conditions, duration and agenda for the convention. Congress does not have the authority to define a “Single Issue” convention. The authority of Congress, under Article V of the United States Constitution, empowers it to convene a convention as called for and defined by the several states; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing an amendment to the Constitution of the United States to limit the term of office that a person may be elected as a member of the United States Senate; and, be it

Further Resolved, That the State of West Virginia hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to propose an amendment to the Constitution of the United States to limit the terms of office that a person may be elected as a member of the United States Senate and absolutely no other business will be authorized at this convention; and, be it

Further Resolved, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject; and, be it

Further Resolved, That the Clerk of the House is hereby directed to forward a copy of this resolution and application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of West Virginia’s congressional delegation and to the presiding officers of each of the legislative houses in the several states requesting their cooperation.

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

By Delegate Sponaugle:

H. J. R. 7 - “Proposing an amendment to the Constitution of the State of West Virginia relating to exempting volunteer emergency personnel from ad valorem property taxation; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Finance then the Judiciary.

By Delegate Sponaugle:

H. J. R. 8 - “Proposing an amendment to the Constitution of the State of West Virginia amending Article III thereof, by adding thereto a new section, designated section twenty-three relating to the right to hunt and fish; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Sponaugle and Rowan:

H. J. R. 9 - “Proposing an amendment to the Constitution of the State of West Virginia amending section 1b, Article X thereof, relating to exempting honorably discharged veterans of the Armed

Forces of the United States who have been determined to have a 100 percent disability from ad valorem property taxation on the full amount of assessed value of a primary residence; 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.

By Delegate Sponaugle:

H. J. R. 10 - “Proposing an amendment to the Constitution of the State of West Virginia relating to exempting honorably discharged veterans of the Armed Forces of the United States from ad valorem property taxation on the first \$30,000 of assessed value of a primary residence; 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.

By Delegate Howell:

H. J. R. 11 - “Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, Article X thereof, relating to ad valorem property tax rates for citizens of the age of 65 or older; locking the value of a homestead property, for the purpose of calculating property taxes, at the assessed value when the owner-occupier turned 65 or purchased the property, whichever occurred later”; 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 Harshbarger, P. Martin, McGeehan, Atkinson, Storch, Pack, Rowan, Hollen, Mandt, J. Kelly and Sypolt:

H. B. 2001 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to allowing as a decreasing modification from federal adjusted gross income for certain taxpayers when determining West Virginia taxable income certain percentages of social security benefits beginning after specified date; and increasing to 100 percent the percentage of social security benefits allowed as a decreasing modification for those certain taxpayers over three-year period”; to the Committee on Finance.

By Delegates Higginbotham, Foster, C. Martin, Cadle, Hamrick, Fast, Wilson, Espinosa, Waxman, Kessinger and Butler:

H. B. 2002 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, and §18-31-9, all relating to enacting an Educational Savings Account Program; providing a short title and definitions; providing basic elements of an educational savings account; application requirements; responsibilities of the Treasurer; establishing a Parent Review Committee; providing eligibility requirements for and rights of education service providers; including responsibilities of resident school districts; and addressing legal proceedings”; to the Committee on Education then Finance.

By Delegates D. Jeffries, J. Jeffries, Foster, Pack, Maynard, Butler, Paynter, Graves, Linville, Malcolm and Steele:

H. B. 2305 - “A Bill to amend and reenact section §8-12-5a of the Code of West Virginia, 1931, as amended; removing authority of municipalities to restrict firearm possession without a valid concealed handgun license in certain areas during brief temporary events”; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Storch and Pyles:

H. B. 2306 - "A Bill to amend and reenact §39B-2-101 and §39B-3-101 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new article, designated §44E-1-1, §44E-1-2, §44E-1-3, §44E-1-4, §44E-1-5, §44E-1-6, §44E-1-7, §44E-1-8, §44E-1-9, §44E-1-10, §44E-1-11, §44E-1-12, §44E-1-13, §44E-1-14, §44E-1-15, §44E-1-16, §44E-1-17, and §44E-1-18, all relating to the Uniform Power of Attorney Act, exercising authority over the content of electronic communications and accessing the content of electronic communications; creating the West Virginia Uniform Fiduciary Access to Digital Assets Act; providing a short title; defining certain terms; setting forth to whom the article applies; providing for user direction for disclosure of assets; addressing terms of service agreements; setting forth procedure for disclosing digital assets; providing for disclosure of content of electronic communications and other digital assets of deceased users; providing for disclosure of content of electronic communications of a principal; addressing disclosure of digital assets of a principal; addressing disclosure of digital assets held in trust when the trustee is an original owner or user; addressing disclosure of digital assets held in trust when trustee is not an original owner or user; addressing disclosure of digital assets to conservator of a protected person; setting forth fiduciary's duties and authority; providing for custodian's compliance and immunity; providing for uniformity of application and construction of article; and addressing relation of article to Electronic Signatures in Global and National Commerce Act"; to the Committee on the Judiciary.

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

H. B. 2307 - "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 Fleischauer, S. Brown, Graves, Longstreth, Pyles, Walker, Rowan, Fluharty, Sypolt, Storch and Summers:

H. B. 2308 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-9b, relating to the "Katherine Johnson Fair Pay Act of 2019"; honoring Katherine Coleman Johnson, making it unlawful for an employer to require, as a condition of employment, that an employee refrain from disclosing information about his or her wages, benefits, or other compensation or sharing information about another employee's wages, benefits, or other compensation; making it unlawful for an employer to require a waiver of employees' rights to disclose information about his or her wages, benefits, or other compensation or to share information about another employee's wages, benefits, or other compensation; limiting employers' inquiry into applicants' wage and salary history"; to the Committee on Industry and Labor then the Judiciary.

By Delegate Sponaugle:

H. B. 2309 - "A Bill to amend and reenact §8-4-10 of the Code of West Virginia, 1931, as amended, relating to allowing municipalities to cancel elections when only one person is running for each office up for election and deeming those elected by acclamation"; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Sponaugle:

H. B. 2310 - "A Bill to repeal §5-16-5 and §5-16-5a of the Code of West Virginia, 1931, as amended; to amend and reenact §5-16-2, §5-16-4, §5-16-7 and §5-16-26 of said code; and to amend and reenact §18-9A-24 of said code, all relating to repealing the Public Employees Insurance Agency Finance Board"; to the Committee on Government Organization then Finance.

By Delegate Howell:

H. B. 2311 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-1-9, relating to exempting short-term license holders to submit information to the State Tax Commission once the term of the permit has expired; and requiring rulemaking"; to the Committee on Government Organization.

By Delegate Sponaugle:

H. B. 2312 - "A Bill to amend and reenact §7-15-17 of the Code of West Virginia, 1931, as amended, relating to authorizing county commissions to initiate collection actions for emergency ambulance service; and allowing county commissions to assess a fee for ambulance calls when a person has refused transport"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegates Sponaugle and Miley:

H. B. 2313 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-22-803, relating to adoption records; authorizing adult adoptees access to certain records; requiring birth parents to provide certain health information; allowing birth parents to designate a contact preference and allowing them to provide certain information; directing the Department of Health and Human Resources to administer records, require additional information, and charge a reasonable fee; providing a procedure for the collection and dissemination of information; and authorizing the Department of Health and Human Resources to promulgate legislative rules"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Foster and Higginbotham:

H. B. 2314 - "A Bill to amend and reenact §7-11-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-12-3 and §7-12-3a of said code; and to amend and reenact §8A-2-3 of said code, all relating to limiting the maximum number of appointees to certain county and municipal bodies; and imposing quorum requirements on certain county and municipal bodies"; to the Committee on Political Subdivisions then Government Organization.

By Delegate Foster:

H. B. 2315 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-3-11, relating to requiring a warning light to be erected on certain roads to warn of a traffic light ahead"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Westfall and Higginbotham:

H. B. 2316 - "A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home rule; establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program; providing that any ordinance, act, resolution, rule or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until repealed; clarifying the authority of the Municipal Home Rule Board; allowing all municipalities to participate in the Municipal Home Rule Program; requiring certain notice prior to passing of an ordinance; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule or regulation that is contrary to certain laws governing the professional licensing or certification of public employees; providing for petition procedures to protest enacted or amended ordinances; requiring ratification of certain ordinances by the voters in a municipal election; and eliminating the automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019"; to the Committee on Political Subdivisions then Government Organization.

By Delegates Rohrbach, Rowan and Fast:

H. B. 2317 - "A Bill to amend and reenact §16-29-1 of the Code of West Virginia, 1931, as amended, relating to health care records; and requiring the release of an unemancipated minor's medical records for drug testing to his or her parent or legal guardian without written consent from that minor"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Rohrbach:

H. B. 2318 - "A Bill to amend and reenact §11-19-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-19-2a, all relating to taxes on soft drinks and soft drink syrups; and changing persons responsible for the taxes"; to the Committee on Finance.

By Delegates Bates and Longstreth:

H. B. 2319 - "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, §16-56-5, and §16-56-6, all relating to creating a state-administered wholesale drug importation program"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Rowe and Pyles:

H. B. 2320 - "A Bill to amend and reenact §2-2-1a of the Code of West Virginia, 1931, as amended, relating to the establishment of a special memorial day to be known as Juneteenth honoring human rights and the end of slavery in the United States; and encouraging all counties and municipalities in the state to do the same"; to the Committee on Political Subdivisions then Government Organization.

By Delegates Lovejoy, Miller, Canestraro and Rohrbach:

H. B. 2321 - "A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder resulting from an event that occurred during their employment"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

By Delegates Cooper and Rowan:

H. B. 2322 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-2d, relating to providing a salary increase for special education teachers"; to the Committee on Education then Finance.

By Delegates Rowe and Rohrbach:

H. B. 2323 - "A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-7 and §16-9A-8 of the Code of West Virginia, 1931, as amended, all relating to raising the legal age for the purchase of tobacco, tobacco products, tobacco derived products, alternative nicotine products and vapor products to 21"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Summers:

H. B. 2324 - "A Bill to amend and reenact §30-36-2, §30-36-7, §30-36-9, §30-36-10, §30-36-14, §30-36-17, and §30-36-18 of the Code of West Virginia, 1931, as amended, all relating to authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy; defining terms; providing rulemaking and emergency rule-making authority; requiring certificates; establishing qualifications for certificate holders; providing for the surrender of certificates; limiting scope; prohibiting advertising; and providing for the suspension or revocation of certificates"; to the Committee on Health and Human Resources then Government Organization.

By Delegates Lovejoy and Canestraro:

H. B. 2325 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, §1-7-2 and §1-7-3, all relating to net neutrality for state government; providing legislative findings; defining terms; requiring the state to utilize net neutral Internet services and associated activities; and providing exceptions"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Summers and Rohrbach:

H. B. 2326 - "A Bill to amend and reenact §16-2-5 of the Code of West Virginia, 1931, as amended, relating to permitting local boards of health to combine without approval from the Commissioner of the Bureau for Public Health"; to the Committee on Political Subdivisions then Health and Human Resources.

By Delegates Lovejoy, Canestraro and Rohrbach:

H. B. 2327 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-42, relating to public school education in dating violence, domestic abuse and sexual violence prevention"; to the Committee on Education then the Judiciary.

By Delegates Rowe and Pyles:

H. B. 2328 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-9-101, relating to designation of social workers in the Department of Health and Human Resources to promote better student school attendance and performance, and the health and well-being of students at home; duties described; limitation on use of information obtained"; to the Committee on Education then Finance.

By Delegate Lovejoy:

H. B. 2329 - "A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate for pollinators; and establishing a fee"; to the Committee on Technology and Infrastructure then Finance.

By Delegates Howell and Shott:

H. B. 2330 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-14-3a; to amend said code by adding thereto a new section, designated §29-3B-4a; and to amend said code by adding thereto a new section, designated §29-3D-4a, all relating to allowing military veterans with certain military ratings to qualify for examination for license as a plumber, allowing military veterans with certain military ratings to qualify for examination for license as an electrician; allowing military veterans with certain military ratings to qualify for examination for license as a sprinkler fitter in training or a journeyman sprinkler fitter"; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

By Delegates Bates and Caputo:

H. B. 2331 - "A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article, designated §16A-17-1, §16A-17-2, §16A-17-3, §16A-17-4, §16A-17-5, §16A-17-6, §16A-17-7, §16A-17-8 and §16A-17-9, all relating to legalizing cannabis production, sales and adult consumption; providing legislative purpose and findings; defining terms; legalizing the possession of one ounce or less of cannabis and cannabis products by adults; authorizing production, sales, transfer and transport of cannabis upon passing county referendums; providing procedure for county commissions to authorize county referendum on legislation of production and sales; establishing mechanisms for permitting and licensing production and sales facilities by the Bureau for Public Health and localities; authorizing the Bureau for Public Health to promulgate rules, establish licensing and administrative penalties relating to the production, sales, transfer and transport cannabis in authorizing counties; authorizing the Department of Revenue to promulgate rules and administer tax

collections; authorizing localities to regulate manufacturing and sales locations; authorizing a special excise tax on cannabis; creating a new fund and dedicating proceeds of the fund; authorizing county local sales tax to be collected and used for the benefit of county and municipal governments; providing current laws relating to employment, vehicle operation, underage use or private property use preserved; and that the operation of this article is not intended to alter West Virginia Medical Cannabis Act”; to the Committee on Health and Human Resources then the Judiciary then Finance.

By Delegate Paynter:

H. B. 2332 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-11-4c, relating to insurance unfair trade practices; prohibiting use of a person’s credit history in certain insurance transactions”; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Caputo:

H. B. 2333 - “A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to career progression of members of the State Police; increasing the longevity pay for members of the State Police; providing for certain increases in pay if certain educational attainment is met by members of the State Police; and adjusting the timing of certain salary changes”; to the Committee on Government Organization then Finance.

By Delegate Fleischauer:

H. B. 2334 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-6C-1, §22-6C-2 and §22-6C-3, all relating to establishing an industrial water extraction fee; placing a one cent fee on every gallon of water extracted for industrial use; placing an additional one cent fee on every gallon of water extracted for industrial use that is transported over state roads; requiring measuring of water withdrawals by a specified method; defining terms; and providing rule-making authority”; to the Committee on Energy then Finance.

By Delegates Fleischauer, Pyles, Caputo and Longstreth:

H. B. 2335 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3 and §5-11C-4, all relating to creating the Family Protection Act; making it illegal to discriminate against an individual regarding his or her family responsibilities; defining terms; and setting forth remedies and enforcement powers”; to the Committee on Industry and Labor then the Judiciary.

By Delegates Fleischauer, Miller and Longstreth:

H. B. 2336 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27, relating to the state’s Medicaid Home and Community-Based Services Intellectual/Developmental Disability Waiver; requiring the West Virginia Bureau for Medical Services to file a request with the Centers for Medicare & Medicaid Services to reinstate the terms of the state’s amended Intellectual/Developmental Disability Waiver that was approved and in place prior to July 1, 2017; and requiring the bureau to seek legislative approval before filing a future request with the Centers for Medicare & Medicaid Services to amend or renew an Intellectual/Developmental Disability Waiver in a manner that alters the scope or nature of services provided under a current waiver”; to the Committee on Health and Human Resources then Finance.

By Delegates Fleischauer, Pyles and Longstreth:

H. B. 2337 - “A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-1-3 of said code, all relating to requiring the Commissioner of the Bureau for Public Health to conduct a public health impact statement assessing the health impact of any new, or modification to, rule proposed by the Secretary of the Department of Environmental Protection; and requiring the Secretary of the Department of Environmental Protection

to incorporate findings of the impact statement into the proposed rule”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Howell:

H. B. 2338 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-15a, relating to allowing the owner of an antique military vehicle to display alternate registration insignia that is compatible with the vehicle’s original markings in lieu of a registration plate”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Fluharty and Miley:

H. B. 2339 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25; to amend said code by adding thereto a new section, designated §18-2-42; and to amend said code by adding thereto a new section, designated §18B-2A-9, all relating to establishing the “Stay in State” tax credit against personal income for higher education tuition for certain state residents; creating credit for student loan payments for all in-state community college, college or university undergraduates and their in-state employers against personal income tax; establishing conditions and qualifications for the tax credit; providing methodology for calculating credit; providing for graduate and employer eligibility for payments against student loans for employees; defining terms; and providing that the board of education, State Board of Education and governing boards of colleges promotion of the program”; to the Committee on Education then Finance.

By Delegate Rohrbach:

H. B. 2340 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-97, relating to providing an earned income tax credit against the personal income tax”; to the Committee on Finance.

By Delegate Fleischauer:

H. B. 2341 - “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, §16-56-5, §16-56-6, §16-56-7, §16-56-8 and §16-56-9, all relating to creating the West Virginia Residential Furniture and Children’s Products Flame Retardants Act administered and enforced under the authority of the Commissioner of the Bureau for Public Health; prohibiting the use of certain flame-retardant chemicals in certain products; legislative findings; definitions; rule-making authority; when replacement chemicals may be used; exemptions to requirements; requiring report to Joint Committee on Government and Finance; requiring certificate of compliance; injunctive relief for violations; and providing civil penalties for violations”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Howell:

H. B. 2342 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-5A-1, relating to creating the Taxation With Representation Act whereby nonresidents of a municipality who work in that municipality and who pay user fees pursuant to a municipal ordinance may vote in municipal elections”; to the Committee on Political Subdivisions then the Judiciary.

By Delegate Rohrbach:

H. B. 2343 - “A Bill to amend and reenact §17A-6-25 of the Code of West Virginia, 1931, as amended, relating to permitting inspectors working within the Division of Dealer Services of the Division of Motor Vehicles to carry a concealed weapon on duty”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Rowan, Pyles and Rohrbach:

H. B. 2344 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, §11-13EE-2 and §11-13EE-3, all relating to providing a tax credit for modifications to homes made more accessible for an elderly person or a person with a disability"; to the Committee on Senior, Children and Family Issues then Finance.

By Delegates Rowan and J. Kelly:

H. B. 2345 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-20, relating to selection of language developmental milestones to develop a resource for use by parents to monitor and track deaf and hard-of-hearing children's receptive and expressive language acquisition in the language(s) and communication mode chosen by the parents, and developmental stages toward English literacy"; to the Committee on Education then Finance.

By Delegates Howell and Higginbotham:

H. B. 2346 - "A Bill to amend and reenact §29-22C-2, §29-22C-3, §29-22C-4, §29-22C-6, §29-22C-13, §29-22C-14, §29-22C-15, §29-22C-16, §29-22C-17, §29-22C-18, §29-22C-19, §29-22C-29 and §29-22C-31 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-25-2, §29-25-3, §29-25-8, §29-25-12, §29-25-13, §29-25-14, §29-25-15, §29-25-16, §29-25-17, §29-25-18, §29-25-22, §29-25-25 and §29-25-27, all relating to changing the licensing requirement for certain casino employees from a licensure to a registration"; to the Committee on Government Organization.

By Delegates Jennings and Rowan:

H. B. 2347 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-27; to amend said code by adding thereto a new section, designated §26-5-2; and to amend said code by adding thereto a new section, designated §26-9-3, all relating to providing long-term care and substance abuse treatment; authorizing the Secretary of the Department of Health and Human Resources to modernize or build new facilities; requiring certified beds for long-term care and substance abuse treatment; requiring facilities for outpatient substance abuse treatment; requiring the hiring of adequate professional classified staff; and replacing an outdated reference in said code to 'Pinecrest Hospital' with the correct name of 'Jackie Withrow Hospital'; to the Committee on Health and Human Resources then Finance.

By Delegate Miley:

H. B. 2348 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-4-304, relating to authorizing magistrates to order emergency removal of a child when a parent's drug use creates an unsafe environment; requiring certain information in order; providing automatic termination of order following 96 hours unless petition filed; and providing for the department to place child with relative or the department"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

By Delegates Fleischauer, Pethel and Pyles:

H. B. 2349 - "A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9 and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6 and §5-11A-7 of said code, all relating to unlawful discriminatory practices; prohibiting discrimination based on age or sexual orientation; and defining sexual orientation"; to the Committee on Industry and Labor then the Judiciary.

By Delegate R. Thompson:

H. B. 2350 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6C-5-1, §6C-5-2, §6C-5-3 and §6C-5-4, all relating to permitting public

employees the right to collectively bargain; providing for an exclusive representative; providing a procedure; and setting forth matters subject to collective bargaining"; to the Committee on Industry and Labor then the Judiciary.

The Speaker noted to the House that there were differences in resolution references made during the VII Order of Business compared to those contained in the Chamber Automation System and, in the absence of objection, such resolutions were referred to committees as indicated on the list in the Chamber Automation System. Such references are included with the resolutions previously listed in this Journal.

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:

- Delegate Lovejoy for H. B. 2071 and H. B. 2208
- Delegates Canestraro, Capito, Fleischauer and Wilson for H. B. 2164
- Delegates Byrd, Capito, Harshbarger, Lovejoy and Zukoff for H. B. 2185
- Delegate Miley for H. B. 2059, H. B. 2065, H. B. 2078, H. B. 2083 and H. B. 2188

At 11:13 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, January 14, 2019.

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

SPECIAL CALENDAR

Monday, January 14, 2019

6th Day

11:00 A. M.

FIRST 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)

**WEST VIRGINIA
HOUSE OF DELEGATES**

MONDAY, JANUARY 14, 2019

HOUSE CONVENES AT 11:00 A.M.

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

**TECHNOLOGY & INFRASTRUCTURE
1:00 P.M. – ROOM 215E**

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

**COMMITTEE ON GOVERNMENT ORGANIZATION
2:00 P.M. – ROOM 215E**

**FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES
4:00 P.M. – ROOM 215E**

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