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January 29, 2019  
TWENTY-FIRST DAY



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Tuesday, January 29, 2019

**TWENTY-FIRST 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 28, 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. 2679**, Relating to state issued identification cards,

And,

**Com. Sub. for S. B. 255**, Relating to Emergency Medical Services Advisory Committee,

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

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**H. B. 2476**, Relating to the valuation of a motor vehicle involved in an insurance claim,

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

**Com. Sub. for H. B. 2476** - "A Bill to amend and reenact §33-6-33 of the Code of West Virginia, 1931, as amended, relating to the valuation of a motor vehicle involved in an insurance claim; requiring that an amount equal to the consumers sales tax applicable to the sale of motor vehicles be added to a cash settlement arising from a total loss of a motor vehicle,"

With the recommendation that the committee substitute do pass, and with the recommendation that second reference to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 2476) to the Committee on the Judiciary was abrogated.

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. 2620**, Modifying the contact requirements with a student's guardians upon accrual of unexcused absences,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2620) was referred to the Committee on the Judiciary.

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. 2474**, Relating to a reserving methodology for health insurance and annuity contracts,

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

And,

**H. B. 2480**, Relating to the regulation of an internationally active insurance group,

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

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

Your Committee on Finance has had under consideration:

**H. B. 2001**, Creating a partial state income tax exemption for Social Security benefits received by certain taxpayers,

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

**Com. Sub. for H. B. 2001** - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting social security benefits from personal income tax; clarifying that tier one railroad retirement benefits are not subject to personal income tax; specifying an effective date; and removing obsolete language,"

With the recommendation that the committee substitute do pass.

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

Your Committee on Finance has had under consideration:

**S. B. 27**, Removing restrictions on where certain traditional lottery games may be played,

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

Delegate Ellington, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 2524**, Permitting a pharmacist to convert prescriptions authorizing refills under certain circumstances,

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

**Com. Sub. for H. B. 2524** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §30-5-35 and §30-5-36, all relating to pharmacist dispensing of drugs; permitting a pharmacist to dispense an amount equal to the prescription limit; permitting a pharmacist to provide an equal amount of drugs based upon dosage; and permitting a pharmacist to refill a prescription in an emergency,"

With the recommendation that the committee substitute do pass.

### Messages from the Senate

A message from the Senate, by

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

**Com. Sub. for S. B. 55** - "A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended, relating to driving privileges and requirements for persons under the age of 18; prohibiting the holder of a level three, full class E license from using a wireless communication device while operating motor vehicle and specifying exception; and making violation of level three license terms and conditions subject to criminal penalty provision"; which was referred to the Committee on Technology and Infrastructure then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 101** - "A Bill to amend and reenact §61-5-27 of the Code of West Virginia, 1931, as amended, relating to equalizing the criminal penalties for intimidating and retaliating against public officers and employees, jurors, and witnesses; increasing penalty for intimidation of such persons to a felony; and establishing criminal penalties"; 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. 124** - "A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to creating a felony offense for cruelty to an animal that causes bodily injury to or death of the animal; and creating a felony offense for second and subsequent convictions of cruelty to animals"; 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. 241** - "A Bill to amend and reenact §39-1-11 of the Code of West Virginia, 1931, as amended, relating to writings to be recorded under the direction of the county clerk; permitting the clerk, with authorization from the county commission, to scan and record certain documents in electronic form rather than in well-bound books, not prepare indices in separate books, and replace existing books by scanning them in approved electronic format; requiring that existing books be retained; providing exception to retention of books; and updating terms"; which was referred to the Committee on Political Subdivisions then Government Organization.

A message from the Senate, by

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

**S. B. 268** - "A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates"; which was referred to the Committee on Finance.

A message from the Senate, by

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

**S. B. 269** - "A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; providing rule for determining number of personal exemptions; and specifying effective dates"; 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 Atkinson, Worrell, McGeehan, Westfall, Miller, Swartzmiller, Kessinger, Cadle and Cooper:**

**H. B. 2709** - "A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, relating to hunting licenses; and exempting the list of names, addresses and contact information for license holders from public disclosure with certain exceptions"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Doyle, S. Brown, Evans, Lavender-Bowe, Pushkin, Estep-Burton and Pyles:**

**H. B. 2710** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-48, relating to the prohibition of manufacturing plants locating within two air miles of an existing public school without the written permission of the county school board; and requiring that permission requires majority of the school board votes"; to the Committee on Industry and Labor then Small Business, Entrepreneurship and Economic Development then the Judiciary.

**By Delegates Doyle, S. Brown, Evans, Lavender-Bowe, Campbell, Estep-Burton, Hansen, Pushkin, Hornbuckle and Pyles:**

**H. B. 2711** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-5-12a, relating to requiring public hearing for applicant of air quality permit for a facility with investment value exceeding \$25 million or with size of 20,000 square feet or

larger; where hearing is to be held”; to the Committee on Industry and Labor then Small Business, Entrepreneurship and Economic Development then the Judiciary.

**By Delegates Foster, Higginbotham, Fast, Dean, Wilson, Porterfield and Rowan:**

**H. B. 2712** - “A Bill to repeal §61-11-2 of the Code of West Virginia, 1931, as amended; to repeal §62-3-15 of said code; to amend and reenact §61-2-2 of said code; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f and §61-2-2g; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6 and §62-7-6a, all relating to death penalty for first degree murder; procedures, standards and findings applicable to imposition thereof in certain instances including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid (‘DNA’) testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence and judgment entered thereon to the warden of the state correctional facility; transfer of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body”; to the Committee on the Judiciary then Finance.

**By Delegates Boggs, Campbell, Pethel, Westfall, Dean, Pack, Graves, Paynter, Toney, Swartzmiller and C. Thompson:**

**H. B. 2713** - “A Bill to amend and reenact §18A-2-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-5-102 of said code, all relating to expunging records of unsubstantiated complaints made by the Department of Health and Human Resources against teachers three years following investigation of the complaint”; to the Committee on Education then the Judiciary.

**By Delegates Cadle, Worrell, McGeehan, Westfall, Miller, Swartzmiller, Atkinson, Kessinger, Harshbarger and Cooper:**

**H. B. 2714** - “A Bill to amend and reenact §19-1B-4, §19-1B-6, §19-1B-7, §19-1B-10 and §19-1B-12a of the Code of West Virginia, 1931, as amended, all relating generally to sediment control during commercial timber harvesting operations; increasing the threshold amount before a logger must follow certain licensing requirements regarding sediment control; requiring the logger to notify the Director of the Division of Forestry at least three days before timbering begins; requiring certain training requirements prior to recertification of certified loggers; providing for appeals; increasing criminal penalties; and removing certain limitations on issuing citations and powers of arrest”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Harshbarger, Worrell, McGeehan, Westfall, Miller, Swartzmiller, Kessinger, Cadle and Cooper:**

**H. B. 2715** - “A Bill to amend and reenact §20-2-46e of the Code of West Virginia, 1931, as amended, relating to Class Q special hunting permit for disabled persons”; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Harshbarger, Worrell, McGeehan, Westfall, Miller, Swartzmiller, Atkinson, Kessinger, Cadle and Cooper:**

**H. B. 2716** - “A Bill to amend and reenact §20-7-13 of the Code of West Virginia, 1931, as amended, relating to motorboat lighting and equipment requirements”; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates Cooper, Worrell, Miller, Storch, D. Kelly, Maynard, Swartzmiller, Atkinson, Kessinger, Cadle and Harshbarger:**

**H. B. 2717** - "A Bill to amend and reenact §19-1A-3b of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Forestry to investigate and enforce timber theft violations on all lands"; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates Cooper, Worrell, Westfall, Miller, Maynard, Atkinson, Kessinger and Harshbarger:**

**H. B. 2718** - "A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated §61-3-52a; relating to requiring purchasers of roundwood to collect and maintain certain information; and establishing criminal and administrative penalties for failure to comply"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates Toney, Dean, Waxman, Paynter, Jennings, R. Thompson, Phillips, Mandt, Steele, Pack and Cadle:**

**H. B. 2719** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-15, relating to establishing an optional bus operator in residence program for school districts; requiring certain steps in an application; establishing no entitlement to employment upon completion of the program; establishing wages or salaries paid to persons completing the program; establishing employment requirements after completing the program; and not permitting seniority to accrue during completion of the program"; to the Committee on Education then Finance.

**By Delegates Pethtel, Lovejoy, Shott and Boggs:**

**H. B. 2720** - "A Bill to amend and reenact §5-3-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §6-3-1a of said code; to amend said code by adding thereto a new section, designated §7-15-19; to amend said code by adding thereto a new section, designated §8-15-28; and to amend said code by adding thereto a new section, designated §16-4C-24, all relating to authorizing certain investigators and first responders to carry firearms; authorizing supervising entities to authorize investigators employed by the attorney general, reserve deputy sheriffs, ambulance crew members, firefighters, rescue squad members and emergency service personnel to carry firearms; specifying the training required for such persons to be eligible to carry a firearm; and, for first responders, allowing for reimbursement for the cost of the training"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegates Cowles and Rowan:**

**H. B. 2721** - "A Bill to amend and reenact §18-17-1 of the Code of West Virginia, 1931, as amended, relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind; updating reference to minimum salaries in effect for personnel at facilities under jurisdiction of the State Board of Education; and authorizing board to establish salary schedules or compensation in excess of the minimums for certain teachers at the West Virginia Schools for the Deaf and the Blind"; to the Committee on Education then Finance.

**By Delegates Anderson, Azinger, Howell, J. Kelly, Westfall, Pethtel, Storch, D. Kelly, Harshbarger, Queen and P. Martin:**

**H. B. 2722** - "A Bill to amend and reenact §24-2-3 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission; and requiring the use of statutory income tax rates for ratemaking purposes for public utilities that are part of a publicly-traded, consolidated group"; to the Committee on Energy then the Judiciary.



**By Delegate Caputo:**

**H. B. 2723** - "A Bill to amend and reenact §17C-14-15 of the Code of West Virginia, 1931, as amended, relating to increasing driver's license penalties for using wireless communication devices while operating a vehicle"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Atkinson and J. Kelly:**

**H. B. 2724** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13DD-1, relating to providing a temporary tax credit for small group employers to cover a tax credit of up to 50 percent of the costs of branding, marketing and advertising of agricultural or manufactured products produced or manufactured in West Virginia; establishing limits; and providing that the credit be available for five years"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

**By Delegates Foster, Waxman, Kessinger, Higginbotham and Westfall:**

**H. B. 2725** - "A Bill to amend and reenact §57-5-4j of the Code of West Virginia, 1931, as amended, relating to preventing compensatory damage awards for medical expenses from including sums that the claimant has not and will not pay for medical care or treatment"; to the Committee on the Judiciary.

**By Delegates J. Kelly, J. Jeffries, Maynard, Paynter, Criss, Espinosa, C. Martin, Mandt, Cadle and Anderson:**

**H. B. 2726** - "A Bill to amend and reenact §11-13Q-3, §11-13Q-7, and §11-13Q-19 of the Code of West Virginia, 1931, as amended, all relating to entitling natural resource producers to the economic opportunity tax credit; allowing the credit to be used to offset the severance tax; establishing conditions; and modifying definitions"; to the Committee on Energy then Finance.

**By Delegates Maynard, J. Jeffries, Rohrbach, Paynter, Linville, Mandt, Harshbarger, Miller, Tomblin, Westfall and Pack:**

**H. B. 2727** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-1-22, relating to establishing a study conducted by the Division of Natural Resources to allow boats with motors larger than 10 horsepower to idle on the Upper Mud River Lake; requiring the Division of Natural Resources to create special permits for 100 boaters; requiring the Division of Natural Resources to study the habitats of fish and surrounding wildlife; requiring reports to the Legislature; and establishing an effective date and termination date of the study"; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates Howell, Phillips and Bibby:**

**H. B. 2728** - "A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home rule; making legislative findings; establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program; providing for continuation of plans and amendments approved during Municipal Home Rule Pilot Program; providing that any ordinance, act, resolution, rule, or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until repealed; expanding eligibility to participate in Municipal Home Rule Program; established penalty for failing to timely pay annual assessment; creating special revenue account for Municipal Home Rule board; authorize certain expenditures from special revenue fund; providing suspension of annual assessment when certain conditions are met; clarifying the authority of the Municipal Home Rule Board; requiring Municipal Home Rule board to reject any application or amendment that does not reasonably demonstrate municipality's ability to manage related costs or liabilities; requiring publication of administrative rules of Municipal Home Rule Board on its website and made available to the public in print upon request; clarifying procedure related to submitting amendment to approved plan' requiring certain notice prior to proposing or amending a plan; requiring public hearing and notice of hearing prior to municipality proposing a plan

or amendment; amending certain prohibitions on the powers and duties of municipalities under home rules; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to laws governing professional licensing or certification of employees; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation governing enforcement of building codes or fire codes; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to West Virginia Workplace Freedom Act or Labor-Management Relations Act; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to federal laws, regulations, or standards that would affect the state's required compliance or jeopardize federal funding; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to laws or rules governing procurement of architectural or engineering services; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation contrary to Chapter 17C of the Code of West Virginia, 1931, as amended; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation governing communication technologies or telecommunication carriers; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation that imposes duties on another governmental entity; providing certain exceptions to that prohibition; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation that prohibits or limits rental or a property or regulates duration, frequency, or location of such rental; providing certain exceptions to that prohibitions and limitations; providing procedures for protesting enactment or amendment of an ordinance, act, resolution, rule, or regulation through petition; providing that duly protested enactments shall not become effective unless ratified through majority vote at a regular or special election; specifying voting procedure; providing that each bond must be ratified by majority vote before becoming effective; specifying voting procedure for bond ratification; modifying reporting requirements; and eliminating automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019"; to the Committee on Government Organization.

### **Special Calendar**

#### **Third Reading**

**Com. Sub. for S. B. 17**, Relating to probation eligibility; 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. 34**), and there were—yeas 94, nays 4, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Bibby, Fast, C. Martin and P. Martin.

Absent and Not Voting: Kump and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 17) passed.

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

On this question, the yeas and nays were taken (**Roll No. 35**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Kump and Skaff.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 17) takes effect from its passage.

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

**S. B. 119**, Specifying documents not subject to discovery in certain proceedings; 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. 36**), and there were—yeas 81, nays 18, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, S. Brown, Canestraro, Caputo, Fleischauer, Fluharty, Hansen, Hicks, Miley, Miller, Pyles, Rowe, Sponaugle, C. Thompson, Walker and Williams.

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 119) passed.

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

**S. B. 272**, Updating code relating to Commission on Special Investigations; 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. 37**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fluharty and McGeehan.

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 272) passed.

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

**S. B. 272** - "A Bill to amend and reenact §4-5-1, §4-5-2, §4-5-3, §4-5-4, and §4-5-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §4-5-7 and §4-5-8, all relating to the Commission on Special Investigations; continuing the commission; clarifying composition and chairmanship of the commission and terms of members; redefining what constitutes a quorum for voting procedures of the commission; specifying contents of the commission's annual report; authorizing the employment of staff and the creation of certain staff positions; granting power to conduct interviews and request production from agencies of the state and its political subdivisions of books, records, documents, papers, and tangible things; authorizing the issuance of written requests for production in lieu of subpoenas; authorizing the director to issue subpoenas on the commission's behalf; authorizing the commission to require an agency head to appear before the commission to answer for an agency's failure to appear or produce

requested or subpoenaed material or other failure to comply with a commission investigation; providing for executive session and confidentiality rights of witnesses; updating exemption of investigative materials from public disclosure; removing requirement for pre-approval of expenses of the commission by the Joint Committee on Government and Finance; providing procedures for the commission's retention and disposal of records; establishing new offenses of impersonating a commission member or staff member and of threatening or otherwise obstructing a commission member or staff; establishing criminal penalties; allowing the commission to award duty weapons to certain members on retirement; exempting the commission from the jurisdiction of the agency for surplus property within the Purchasing Division of the Department of Administration with respect to the disposal of the commission's primary and secondary duty weapons; authorizing sale of surplus weapons to active and retired members of the commission's investigative staff; and updating language and terms for clarity throughout."

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

On this question, the yeas and nays were taken (**Roll No. 38**), and there were—yeas 97, nays 2, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fluharty and McGeehan.

Absent and Not Voting: Kump.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 272) takes effect from its passage.

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

**Com. Sub. for H. B. 2083**, Providing an identification card for released inmates who do not have a West Virginia identification card or driver's license; 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. 39**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2083) passed.

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

**Com. Sub. for H. B. 2083** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-1c, relating to facilitating a released inmate's reintegration into society, by requiring the Division of Corrections and Rehabilitation to provide an identification card for eligible released inmates who do not have a West Virginia identification card or driver's license; permitting the Division of Motor Vehicles to make visits to Division of Corrections and Rehabilitation's facilities to assist inmates with applications to obtain a West Virginia identification card; providing that the Division of Corrections and Rehabilitation be temporary in nature; providing that the identification card issued by the Division of Corrections and Rehabilitation have the same force and effect as a standard/Not For Federal Use identification card; providing that the Division of Motor Vehicles shall accept an unexpired Division of Corrections and Rehabilitation identification card

as proof of identity and proof of residency; requiring the Division of Corrections and Rehabilitation and the Division of Motor Vehicles to work together to develop a policy to verify social security numbers of released inmates; and requiring a former inmate to pay all fees charged by the Division of Motor Vehicles related to the issuance of an identification card.”

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

**Com. Sub. for H. B. 2191**, Relating generally to limited video lottery; 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. 40**), and there were—yeas 90, nays 9, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Anderson, Butler, Fast, Hollen, D. Jeffries, J. Jeffries, Linville, Porterfield and Robinson.

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2191) passed.

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

On this question, the yeas and nays were taken (**Roll No. 41**), and there were—yeas 94, nays 5, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fast, Hollen, D. Jeffries, Linville and Porterfield.

Absent and Not Voting: Kump.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2191) takes effect from its passage.

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

**H. B. 2514**, Permitting pawn brokers to disclose whether any specific property has been sold or pledged; 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. 42**), and there were—yeas 91, nays 7, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Byrd, Campbell, Canestraro, Fluharty, J. Kelly, Storch and C. Thompson.

Absent and Not Voting: Cowles and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2514) passed.

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

**H. B. 2602**, Including possession of known stolen property in the offense of receiving or transferring stolen property; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 43**), and there were—yeas 84, nays 14, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Barrett, S. Brown, Evans, Fast, Fluharty, Hornbuckle, McGeehan, Paynter, Pushkin, Rowe, Sponaule, C. Thompson, Williams and Wilson.

Absent and Not Voting: Cowles and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2602) 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. 2324**, Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy; on second reading, coming up in regular order, was read a second time.

Delegate Pushkin moved to amend the bill on page four, section ten, line thirty-seven, by striking out the word “and” and inserting in lieu thereof the following:

“(L) Alcohol and drug abuse counselor, pursuant to §16-5Y-2 of this code; and”,

And,

On page four, section ten, line thirty-eight, by striking out the letter “(L)” and inserting in lieu thereof the letter “(M)”.

At the request of Delegate Summers, and by unanimous consent, the bill (Com. Sub. for H. B. 2324) was postponed one day.

**Com. Sub. for H. B. 2407**, Relating to registered professional nurse; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Wilson and Summers, the bill was amended on page thirteen, section twelve, by striking out lines one through eight and inserting in lieu thereof the words “In any case where it is lawful for a duly licensed physician or dentist practicing medicine or dentistry under the laws of this state to administer anesthetics, such anesthetics may lawfully be given and administered by any person: (a) Who has been licensed to practice registered professional nursing under this article; and (b) who holds a diploma or certificate evidencing his or her successful completion of the educational program of a school of anesthesia duly accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs: *Provided*, That such anesthesia is administered by such person in the presence and under the supervision of such physician or dentist.”

On motion of Delegate Ellington, the bill was amended on page three, section three, line six, by striking out the following: “Certified Nurse Anesthetist” means a person who holds a diploma or certificate evidencing his or her successful completion of the educational program of a school of anesthesia accredited by the American Association of Nurse Anesthetists and the semi-colon.

There being no further amendments, the bill was ordered to engrossment and third reading.

**H. B. 2492**, Relating to mandatory reporting procedures of abuse and neglect of adults and children; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2510**, Relating to special funds of boards of examination or registration; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2525**, Tobacco Cessation Therapy Access Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2530**, Creating a voluntary certification for recovery residences; 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. 2531**, Permitting trained nurses to provide mental health services in a medication-assisted treatment program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 2559**, Requiring a special report by the Division of Personnel; 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:

**S. B. 28**, Removing hotel occupancy tax limit collects for medical care and emergency services,

**S. B. 177**, Fire Commission rule relating to State Building Code,

**Com. Sub. for H. B. 2010**, Relating to foster care,

**Com. Sub. for H. B. 2503**, Relating to court actions,

And,

**Com. Sub. for H. B. 2521**, Relating to permitting fur-bearer parts.

### **Leaves of Absence**

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate Kump.

### **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 Bibby for H. B. 2074

- Delegate Pyles for H. B. 2156, H. B. 2157, H. B. 2395, H. B. 2450, H. B. 2451, H. B. 2454, H. B. 2460, H. B. 2461, H. B. 2463, H. B. 2464, H. B. 2487, H. B. 2539, H. B. 2541, H. B. 2641, H. B. 2659, H. B. 2723 and H. B. 2728

- Delegate Angelucci for H. B. 2321
- Delegates Jennings, Phillips and Sypolt for H. B. 2420
- Delegate Wilson for H. B. 2493
- Delegate Hott for H. B. 2540 and H. B. 2679
- Delegate Lovejoy for H. B. 2682 and H. B. 2683

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

- Delegates J. Jeffries, Pack and Worrell for H. B. 2697

At 11:44 a.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 30, 2019.

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



## **SPECIAL CALENDAR**

**Wednesday, January 30, 2019**

**22<sup>nd</sup> Day**

**11:00 A. M.**

### **THIRD READING**

- Com. Sub. for H. B. 2407 - Relating to registered professional nurses (ELLINGTON) (REGULAR)
- H. B. 2492 - Relating to mandatory reporting procedures of abuse and neglect of adults and children (ELLINGTON) (REGULAR)
- H. B. 2510 - Relating to special funds of boards of examination or registration (HOWELL) (REGULAR)
- H. B. 2525 - Tobacco Cessation Therapy Access Act (ELLINGTON) (REGULAR)
- H. B. 2530 - Creating a voluntary certification for recovery residences (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2531 - Permitting trained nurses to provide mental health services in a medication-assisted treatment program (ELLINGTON) (REGULAR)
- H. B. 2559 - Requiring a special report by the Division of Personnel (HOWELL) (REGULAR)

### **SECOND READING**

- S. B. 28 - Removing hotel occupancy tax limit collects for medical care and emergency services (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- S. B. 177 - Fire Commission rule relating to State Building Code (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 2010 - Relating to foster care (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2324 - Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2503 - Relating to court actions (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2521 - Relating to permitting fur-bearer parts (SHOTT) (REGULAR)

## FIRST READING

- S. B. 27 - Removing restrictions on where certain traditional lottery games may be played (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- Com. Sub. for S. B. 255 - Relating to Emergency Medical Services Advisory Committee (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2001 - Creating a partial state income tax exemption for Social Security benefits received by certain taxpayers (HOUSEHOLDER) (REGULAR)
- H. B. 2474 - Relating to a reserving methodology for health insurance and annuity contracts (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2476 - Relating to the valuation of a motor vehicle involved in an insurance claim (WESTFALL) (REGULAR)
- H. B. 2478 - Modifying the Fair Trade Practices Act (SHOTT) (REGULAR)
- H. B. 2480 - Relating to the regulation of an internationally active insurance group (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2524 - Permitting a pharmacist to convert prescriptions authorizing refills under certain circumstances (ELLINGTON) (REGULAR)
- H. B. 2679 - Relating to state issued identification cards (HOWELL) (REGULAR)

**HOUSE CALENDAR**

**Wednesday, January 30, 2019**

**22<sup>nd</sup> 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**

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**WEDNESDAY, JANUARY 30, 2019**

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

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

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

**COMMITTEE ON FINANCE  
9:00 A.M. & 2:00 P.M. – ROOM 460M**

**COMMITTEE ON RULES  
10:45 A.M. – BEHIND THE CHAMBER**

**VETERANS AFFAIRS & HOMELAND SECURITY  
1:00 P.M. – ROOM 434M**

**COMMITTEE ON EDUCATION  
2:00 P.M. – ROOM 434M**

**INDUSTRY & LABOR  
3:30 P.M. – ROOM 215E**

**TECHNOLOGY & INFRASTRUCTURE  
5:30 P.M. – ROOM 215E**







HOUSE OF DELEGATES  
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