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January 30, 2019  
TWENTY-SECOND DAY



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Wednesday, January 30, 2019

**TWENTY-SECOND 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 Tuesday, January 29, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Cooper, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2532**, Allowing certain donations by persons renewing their driver's license or vehicle registration,

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 Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2532) was referred to the Committee on Finance.

Delegate Cooper, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2528**, Relating to employees of the Commissioner of Agriculture,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2528) was referred to the Committee on Government Organization.

Delegate Harshbarger, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

**H. B. 2540**, Prohibiting the waste of game animals, game birds or game fish,

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. 2540) was referred to the Committee on the Judiciary.

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. C. R. 8**, Requesting the Division of Highways to update the previous preliminary engineering study on the extension of WV Rt 9,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the bill (H. C. R. 8) was referred to the Committee on Rules.

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2452**, Creating the West Virginia Cybersecurity Office,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2452) was referred to the Committee on Government Organization.

Delegate Maynard, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 2321**, Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder,

And reports the same back with the recommendation that it do pass, 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. 2321) was referred to the Committee on the Judiciary.

Delegate Maynard, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 2411**, Relating to accounting for the use of funds from state grants and from formula distributions to volunteer and part-volunteer fire departments,

And,

**H. B. 2658**, Relating to the State Fire Marshal's comprehensive report,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bills (H. B. 2411 and H. B. 2658) were each referred to the Committee on Government Organization.

Delegate Fast, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

**H. B. 2365**, Clarifying the definition of an employee for the purposes of unemployment compensation and workers' compensation,

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. 2365) was referred to the Committee on the Judiciary.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2484**, Mountaineer Trail Network Recreation Authority,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2484) was referred to the Committee on Government Organization.

Delegate Storch, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 2542**, Permitting directors of county emergency phone systems to obtain mobile-phone emergency lines,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2542) was referred to the Committee on Government Organization.

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

Your Committee on Energy has had under consideration:

**H. R. 6**, Recognizing the importance of West Virginia's energy resources and critical energy infrastructure to support economic development and national security,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the bill (H. R. 6) was referred to the Committee on Rules.

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

Your Committee on Energy has had under consideration:

**H. B. 2673**, Creating the Oil and Gas Abandoned Well Plugging Fund,

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 Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2673) was referred to the Committee on Finance.

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. 2607**, Relating to the licensure of nursing homes,

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

**Com. Sub. for H. B. 2607** - "A Bill to repeal §16-5C-16 and §16-5C-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5C-2, §16-5C-4, §16-5C-5, §16-5C-6, §16-5C-7, §16-5C-8, §16-5C-9, §16-5C-9a, §16-5C-10, §16-5C-11, §16-5C-12, §16-5C-12a, §16-5C-13, §16-5C-14, §16-5C-15, §16-5C-18, §16-5C-20, §16-5C-21, and §16-5C-22 of said code, all relating to the licensure of nursing homes; repealing duplicative sections of code; defining terms; clarifying rule requirements; and clarifying enforcement action and due process procedures,"

With the recommendation that the committee substitute do pass.

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. 2612**, Proposing rules related to the completion or updating of source water protection plans,

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

**Com. Sub. for H. B. 2612** - "A Bill to amend and reenact §16-1-9c of the Code of West Virginia, 1931, as amended, to authorize that the Secretary of the Department of Health and Human Resources to propose rules related to source water protection plans; and staggering the timeframes of source water protection plan reporting,"

With the recommendation that the committee substitute do pass.

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. 2651**, Relating to pharmacy benefit managers,

And,

**H. B. 2674**, Creating a student loan repayment program for a mental health provider,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2651 and H. B. 2674) were each referred to the Committee on Finance.

### 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

**S. B. 63** - "A Bill to amend and reenact §30-5-27 of the Code of West Virginia, 1931, as amended, relating to partial filling of prescriptions; permitting partial filling of prescriptions for controlled substances listed in Schedule II under certain circumstances; setting conditions for partial filling of prescriptions for controlled substances listed in Schedule II; permitting remaining portion of prescription to be filled within 30 days of first partial filling; setting forth steps to be followed if pharmacist is unable to fill remaining portion of prescription; prohibiting further quantities from being supplied beyond 72 hours in absence of new prescription; providing that remaining portions of a partially filled prescription for controlled substances listed in Schedule II may be filled in emergency situations; and defining 'emergency situation'"; which was referred to the Committee on Prevention and Treatment of Substance Abuse 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. 236** - "A Bill to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating generally to eligibility to register to vote; providing that a person who has been convicted of certain criminal offenses and rendered ineligible to vote may register to vote upon completion of his or her sentence, upon an order from a court vacating or overturning his or her conviction, or upon an order of pardon from the Governor; requiring the Division of Corrections and Rehabilitation to provide a person in the custody or under the supervision of the division with written

notice that he or she is no longer ineligible to register to vote and a voter registration form upon release or discharge of such person; requiring a probation officer of the Supreme Court of Appeals' Division of Probation Services to provide a person under such officer's supervision with written notice that he or she is no longer ineligible to register to vote and a voter registration form upon discharge of such person; and clarifying that renewed eligibility of previously convicted persons to register to vote does not permit such persons to register after pre-election registration deadlines"; which was referred to the Committee on the Judiciary.

### Resolutions Introduced

Delegates Sponaugle, Campbell, C. Thompson, Angelucci, Caputo, Barrett, Staggers, Hartman, Hott, Rowan, Lavender-Bowe, Boggs, N. Brown, S. Brown and Diserio offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 40** - "Requesting the Division of Highways name bridge number 16-55-11.40 (16A136), locally known as U. S. 220 Connector Bridge, carrying West Virginia Route 55 over South Valley Branch Railroad and Dumpling Run in Hardy County, the 'U. S. Army CAPT William H. Denney, Jr. Memorial Bridge'."

Whereas, William H. Denney was born November 6, 1939, in Washington, D. C.; and

Whereas, William H. Denney attended public schools in Moorefield, West Virginia and received the first scholarship from the Moorefield High School Scholarship Fund to attend college; and

Whereas, William H. Denney used the scholarship he was awarded to attend West Virginia University until he cut his education short to enter active U. S. Army service during an Army Reserve call up for a crisis in Berlin; and

Whereas, William H. Denney rose through the ranks as a noncommissioned officer and a commissioned officer to become Captain of Company D, 2d Battalion, 3d Infantry of the 199<sup>th</sup> Infantry Brigade; and

Whereas, CAPT Denney was posthumously awarded the Distinguished Service Cross on April 23, 1969, for his extraordinary heroism during military operations involving conflict with an armed hostile force; and

Whereas, CAPT Denney was killed in combat on February 2, 1969, during a military combat operation in Vietnam near Cu-Chi; and

Whereas, It is fitting that an enduring memorial be established to commemorate CAPT William H. Denney, Jr. and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 16-55-11.40 (16A136), locally known as U. S. 220 Connector Bridge, carrying West Virginia Route 55 over South Valley Branch Railroad and Dumpling Run in Hardy County, the "U. S. Army CAPT William H. Denney, Jr. Memorial Bridge"; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army Capt. William H. Denney, Jr. Memorial Bridge"; and, be it



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

Delegates Robinson, Estep-Burton, Rowe and Byrd offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 41** - "Requesting the Division of Highways name Sand Plant Road, County Road 15/9, beginning at U. S. 119 and ending at Brounland Road, the 'U. S. Army Air Corps SSGT Charles Dexter Duncan Memorial Road'."

Whereas, Charles Dexter Duncan was born on July 31, 1925, in the coal mining community of Olcott, West Virginia to parents Lawrence and Tressa Griffith Duncan; and

Whereas, Charles D. Duncan was industrious and forward-thinking from childhood and demonstrated these traits while maintaining a long paper route by foot; and

Whereas, Charles D. Duncan graduated from Washington District High School in 1943; and

Whereas, On November 29, 1943, Charles D. Duncan joined the United States Army Air Corps and trained at the Aerial Gunnery School in Maxwell Field, Alabama; and

Whereas, Charles D. Duncan was stationed at San Giovanni Air field in Italy serving as a belly ball turret gunner for the Liberator Squadron, 304<sup>th</sup> Bombardment Wing, 454<sup>th</sup> Bombardment Group; and

Whereas, SSGT Duncan flew 33 successful bombing missions, eliminating strategic targets over Poland, Austria, and Germany; and

Whereas, SSGT Duncan was honorably discharged on November 7, 1945, with the rank of Staff Sergeant; and

Whereas, SSGT Duncan returned home to West Virginia and married Helen Fitzwater in 1949 and had four children, Diana Duncan Morris, Dreama Duncan Watts, C. D. Duncan, and Jill Duncan Novak; and

Whereas, SSGT Duncan and Helen Fitzwater Duncan built a loving and close-knit family with their children, prioritizing education and instilling a desire to succeed; and

Whereas, SSGT Duncan became a member of the Pipefitters Union and he helped to refurbish The Greenbrier after it was used as a military hospital; and

Whereas, SSGT Duncan then worked through the ranks at the FMC Plant in South Charleston, West Virginia where he retired as a production supervisor in 1987; and

Whereas, SSGT Duncan served on the Democratic Executive Committee in the 1950's and 1960's to work on school and road improvements for Washington District; and

Whereas, SSGT Duncan worked diligently and helped establish the Washington Public Service District which provided a safe and reliable source of water to his community; and

Whereas, SSGT Duncan served as an officer of the Reunion Group Association of the 454<sup>th</sup> Bombardment Group; and

Whereas, SSGT Duncan was a member of the VFW Post 4768 in Alum Creek where he honored the service of fellow members and served his community; and

Whereas, SSGT Duncan passed away at the age of 91 on April 22, 2017; and

Whereas, SSGT Duncan lived his life in service of his country, his community, and his family; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name Sand Plant Road, County Road 15/9, beginning at U. S. 119 and ending at Brounland Road, the "U. S. Army Air Corps SSGT Charles Dexter Duncan Memorial Road"; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying that portion of the road the "U. S. Army Air Corps SSGT Charles Dexter Duncan Memorial Road"; and, be it

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

Delegates Atkinson, Westfall, D. Jeffries, J. Kelly and Canestraro offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 42** - "Requesting the Division of Highways name bridge number: 44-7-3.42 (44A015), locally known as Grace Bridge, carrying County Route 7 over Spring Creek in Roane County, the 'U. S. Navy Petty Officer 2d Class Joseph Allen Ashley Memorial Bridge'."

Whereas, Joseph Allen Ashley was born in Akron, Ohio on September 4, 1980. He attended Manchester High School and graduated in 1999; and

Whereas, Joseph Allen Ashley enlisted in the U. S. Navy on April 26, 2001, and he achieved a milestone in his career as a Submariner. He earned the coveted Enlisted Silver "Dolphins". He spent his summers and leave time from the Navy in Roane County at a cabin his parents built in 1997; and

Whereas, Petty Officer 2d Class Joseph Allen Ashley died at age 24 in January 2005 from injuries suffered in a submarine accident in the Pacific. He was survived by his parents, Daniel and Vicki Ashley and two brothers, Daniel Ashley, Jr. and Benjamin Ashley; and

Whereas, It is fitting that an enduring memorial be established to commemorate Petty Officer 2d Class Joseph Allen Ashley and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number: 44-7-3.42 (44A015), locally known as Grace Bridge, carrying County Route 7 over Spring Creek in Roane County, the "U. S. Navy Petty Officer 2d Class Joseph Allen Ashley Memorial Bridge"; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Navy Petty Officer 2d Class Joseph Allen Ashley Memorial Bridge"; and, be it

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

Delegates Byrd, Capito, Nelson and Skaff offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

**H. C. R. 43** - "Requesting the Division of Highways name bridge number 13-60-34.93 (13A114), locally known as Caldwell Bridge, carrying U. S. Route 60 over the Greenbrier River in Greenbrier County, the 'U. S. Army Air Corps T SGT Ralph H. Ray Bridge'."

Whereas, Ralph Herman Ray was born in Anthony, West Virginia on November 13, 1922, to James Alfred Ray and Georgie Mae Spence; and

Whereas, Ralph H. Ray graduated from Frankford High School early at the age of 17 in 1940; and

Whereas, Ralph H. Ray left his home in West Virginia to complete his enlisted physical for the United States Army Air Corps on January 7, 1943; and

Whereas, T SGT earned his airplane mechanic diploma at the Ford Factory in Michigan the spring of 1943; and

Whereas, T SGT Ray then completed gunnery school in Laredo, Texas; and

Whereas, T SGT Ray was assigned to a top-notch flight crew with whom he trained for three months; and

Whereas, T SGT Ray and his crew traveled to Trinidad, Brazil, Africa, Morocco, and Wales before reaching the Tibenham Base in East England; and

Whereas, Serving as flight engineer, T SGT Ray and his crew flew thirty successful missions before returning to the United States; and

Whereas, T SGT Ray spent the last ten months of his enlistment at Air Transport Corps in Miami, Florida; and

Whereas, After his release from the United States Army Air Corps, T SGT Ray worked as an airplane mechanic for Bollinger Airport in Davis Creek, West Virginia, and there he earned his civilian pilot's license; and

Whereas, T SGT Ray began working as a chemical technician for Westvaco in South Charleston, West Virginia in 1948; and

Whereas, T SGT Ray built a beautiful and loving family, marrying his wife Mary Madeline Hudson (now deceased) on April 16, 1948; and

Whereas, Together, they raised four daughters: Valerie Ann Lyons, Angela Sue Ray, Verna Ray-Breaux, and Anita Ray-Kirk; and

Whereas, T SGT Ray retired in 1984 and presently resides with his daughter Angela S. Ray; and

Whereas, It is fitting that an enduring monument be established to commemorate Technical Sergeant Ralph H. Ray and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 13-60-34.93 (13A114), locally known as Caldwell Bridge, carrying U. S. Route 60 over the Greenbrier River in Greenbrier County, the "U. S. Army Air Corps TSgt. Ralph H. Ray Bridge"; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army Air Corps T SGT Ralph H. Ray Bridge"; and, be it

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

### **Bills Introduced**

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

**By Delegates Jennings, Sypolt, J. Jeffries, Lovejoy, Worrell, Angelucci, Miller, Pack and Howell:**

**H. B. 2729** - "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, §16-56-9, §16-56-10, §16-56-11, §16-56-12, §16-56-13, §16-56-14, and §16-56-15, all relating to enacting the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; entering into the compact with all jurisdictions also enacting the compact; stating purpose of Compact; defining terms; identifying member states as home states; retaining authority of member state to require license under circumstances not covered by Compact; setting conditions for home state's license to authorize practice in a remote state under the Compact; requiring member states to recognize licenses issued by another member state under certain conditions; setting requirements for individuals to exercise privilege to practice; setting scope of practice; making individuals practicing in remote states subject to that state's laws; authorizing remote states to take action against individual's privilege to practice within that state under certain circumstances; providing effect of restrictions on license on Compact privileges; setting conditions of practicing in remote state under Compact terms; defining relationship of Compact with Emergency Management Assistance Compact; setting terms and requirements for certification of veterans, certain service members, and their spouses; recognizing exclusive power of home states to impose adverse action against license issued by home state; providing consequences for Compact participation if individual's license is subject to adverse action by home state; requiring member states to report adverse actions against licenses; authorizing states to take action against individual's privilege to practice within that state; requiring home state EMS authority investigate and take appropriate action based on reported conduct in remote state; authorizing alternative programs in lieu of adverse action; authorizing member state's EMS authority to issue subpoenas; authorizing member state's EMS authority to issue certain cease and desist orders; establishing Interstate Commission for EMS Personnel Practice; providing venue; maintaining state sovereign immunity; providing for membership; providing for voting; requiring annual meetings; requiring meetings to be public; providing exceptions; authorizing Commission prescribe bylaws and/or rules to govern conduct; granting certain powers to Commission; providing for financing for the Commission; making validity of annual assessment against state contingent upon funds being appropriated by the Legislature or otherwise being made available; providing for qualified immunity of certain persons; requiring Commission defend certain persons for actions arising out of actions occurring within the scope of duties related to the Commission; requiring Commission indemnify and hold harmless certain persons under certain circumstances; providing for development and maintenance of coordinated database and reporting

system; requiring member states provide certain information to coordinated database; requiring notification by coordinated database administrator of adverse action taken against individual in member state; authorizing member state to designate information not to be shared with the public without express permission of contributing state; providing for removal of information from database when required to be expunged; authorizing rulemaking Commission; providing scope of rulemaking; providing procedures for rulemaking; authorizing emergency rulemaking by the Commission; providing that Commission rules are not binding on the State of West Virginia until they have been authorized as legislative rules; providing timeline and procedure for proposing legislative rules; authorizing emergency rulemaking; directing state government to enforce compact and take necessary actions to effectuate its purposes and intent; directing courts take judicial notice of compact and rules promulgated pursuant to compact; providing procedures for the Commission to follow if member state has defaulted; authorizing member state be terminated from the Compact under certain conditions; setting terms of termination; authorizing appeal; authorizing mediation and binding dispute resolution between Commission and member state; authorizing enforcement of the Compact by the Commission; authorizing legal action; establishing venue; providing for venue in West Virginia; providing implementation date for the Compact; making any state joining after implementation subject to rules as they exist when the Compact is adopted; authorizing member state withdraw from the Compact; maintaining member state authority to enter into licensure or cooperative agreements with nonmember state; authorizing amendment of the Compact; providing for liberal construction; providing for severability of the Compact if it is found to violate constitution of member state; directing Emergency Medical Services Advisory Council review decisions of the Commission; and authorizing Emergency Medical Services Advisory Council make recommendation to Legislature for withdrawal from the Compact"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

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

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

**H. B. 2730** - "A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to increasing annual salaries of West Virginia State Police, to amend and reenact §18A-4-2 of said code, relating to increasing annual salaries of public school teachers, and to amend and reenact §18A-4-8a of said code, relating to increasing annual salaries of school service personnel"; to the Committee on Finance.

**By Delegates Sypolt and Jennings:**

**H. B. 2731** - "A Bill to amend and reenact §16-2D-11 of the Code of West Virginia, 1931, as amended, relating to exempting from the requirement of a certificate of need obstetrics maternity and delivery services provided by an acute care hospital except for a pediatric intensive care unit and a neonatal intensive care unit"; to the Committee on Health and Human Resources.

**By Delegates McGeehan, Angelucci, S. Brown, Butler, Dean, Doyle, Estep-Burton and Anderson:**

**H. B. 2732** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1B-1a, relating to the West Virginia National Guard; requiring an official declaration of war or an action to call forth the state militia by the United States Congress before members of the West Virginia National Guard may be released from state control to participate in active duty combat"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

**By Delegates Pushkin, Williams, Miley, C. Thompson, Lovejoy, Storch, Westfall, Higginbotham, Sponaugle, Robinson and Stagers:**

**H. B. 2733** - "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 in

categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining 'sexual orientation' and 'gender identity'; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Kessinger, Fast and Stagers:**

**H. B. 2734** - "A Bill to amend and reenact §11-13-3f of the Code of West Virginia, 1931, as amended; to amend and reenact §11-13F-1 of said code; to amend and reenact §11-24-11 of said code; to amend and reenact §24-2a-5 of said code; and to amend and reenact §24-3-2 of said code, all relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities"; to the Committee on Finance.

**By Delegates Bibby, Hardy, J. Jeffries, Paynter, Higginbotham, D. Jeffries, Hanna and Wilson:**

**H. B. 2735** - "A Bill to amend and reenact §17-4-19 of the Code of West Virginia, 1931, as amended, relating to requiring any state road or bridge that exceeds 55 miles per hour that is under construction for longer than 72 hours proceed with work 24 hours per day until completed"; to the Committee on Technology and Infrastructure then Government Organization.

**By Delegates Kessinger, Pack, Nelson and Hardy:**

**H. B. 2736** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7L-1, §55-7L-2, and §55-7L-3, all relating to standards of proof in civil actions where business structure sought to be disregarded; making findings; establishing clear and convincing evidence as standard for personal liability of business debts; adopting standards for determining personal liability for business debts; defining terms; and establishing safe harbor requirements"; to the Committee on the Judiciary.

**By Delegates Householder and Criss:**

**H. B. 2737** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-1-1b, relating to training of State Tax Division employees"; to the Committee on Finance.

**By Delegates Pack, Graves, Hollen, Pethel, Evans, Anderson and Malcolm:**

**H. B. 2738** - "A Bill to amend and reenact §8-22-19 of the Code of West Virginia, 1931, as amended, relating to authorizing prepayment of certain required payments into a policemen's pension and relief fund or a firemen's pension and relief fund"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Hollen, Graves, Anderson and Malcolm:**

**H. B. 2739** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-13; and to amend and reenact §61-10-20 of said code, all relating to failure of employers to make contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board; authorizing the State Auditor, county commission, or sheriff of the county in which the employer is located to withhold moneys due to an employer that is delinquent in required contributions to a retirement plan after the Consolidated Public Retirement Board has certified the delinquency; authorizing withheld moneys to be applied to the retirement system the delinquent payments would have been made to; providing for interest on delinquencies; requiring the Consolidated Public Retirement Board to provide notice to a participating employer 30 days prior to certifying a delinquency under this section; making it a criminal offense for persons who are responsible for ensuring that an entity complies with the requirements of a retirement plan administered by the Consolidated Public Retirement Board to knowingly and willfully fail to make employee or employer contributions to a retirement plan for a period of 60 days after the payment is due; and providing criminal penalties"; to the Committee on Pensions and Retirement then Finance.

**By Delegate Shott:**

**H. B. 2740** - "A Bill to amend and reenact §42-1-1 of the Code of West Virginia, 1931, as amended; and amending said code by adding thereto a new section, designated §42-1-11, all relating to barring a parent from inheriting from a child in certain instances"; to the Committee on the Judiciary.

**By Delegates Walker, Rowe, Canestraro, Miller, Diserio, Angelucci, Caputo, Barrett, Longstreth, Estep-Burton and Campbell:**

**H. B. 2741** - "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 in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining 'sexual orientation' and 'gender identity'; to the Committee on Industry and Labor then the Judiciary.

**By Delegate Rodighiero:**

**H. B. 2742** - "A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to courses of instruction in all schools located within this state; and making available elective courses on the history of the Old and New Testaments of the Bible"; to the Committee on Education then the Judiciary.

**By Delegates Hollen, Graves, Pethtel, Evans, Anderson and Malcolm:**

**H. B. 2743** - "A Bill to amend and reenact §8-22-11a of the Code of West Virginia, 1931, as amended, relating to eliminating reference to municipal policemen's pension and relief funds and municipal firemen's pension and relief funds in section restricting investment of municipal pension funds as such investment is restricted elsewhere in the code"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Householder and Criss:**

**H. B. 2744** - "A Bill to amend and reenact §11-15-17 of the Code of West Virginia, 1931, as amended, relating to officer liability for unremitted consumers sales and service tax"; to the Committee on the Judiciary.

**By Delegates Householder and Criss:**

**H. B. 2745** - "A Bill to amend and reenact §11-14C-9 of the Code of West Virginia, 1931, as amended, relating to authorizing railroads and commercial watercraft to claim a refundable exemption from the variable rate component of the motor fuel excise tax, and to remove the aggregate annual exemption limitation imposed on railroads, all beginning July 1, 2019"; to the Committee on Finance.

**By Delegate Shott:**

**H. B. 2746** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §44-2-19a; and to amend and reenact section §44-3A-24 of said code, all relating to administration of estates; requiring reports by fiduciary commissioners of unprogressed estates; allowing the county commission to close an estate administratively; providing an appeal procedure; and providing that personal representatives are liable for failure to all persons with an interest in the assets of such an estate"; to the Committee on the Judiciary.

**By Delegate Rodighiero:**

**H. B. 2747** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-6c, relating to allowing parents or the school to serve sweets during the holidays if the school receives parental or guardian consent"; to the Committee on Education.

**By Delegate Rodighiero:**

**H. B. 2748** - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; increasing the amount of retirement income to be excluded from the gross income of individuals receiving retirement benefits under the West Virginia Public

Employees Retirement System and the West Virginia State Teachers Retirement System; and providing an effective date”; to the Committee on Pensions and Retirement then Finance.

**By Delegate Rodighiero:**

**H. B. 2749** - “A Bill to amend and reenact §11A-1-3 of the Code of West Virginia, 1931, as amended, relating to quarterly payment of real and personal property taxes; and requiring new tax tickets to be mailed after property is transferred”; to the Committee on Finance.

**By Delegate Rodighiero:**

**H. B. 2750** - “A Bill to amend and reenact §15A-3-7 of the Code of West Virginia, 1931, as amended, relating to a salary increase for Division of Corrections and Rehabilitation employees of \$5,000 paid over a three-year period”; to the Committee on the Judiciary then Finance.

**By Delegates Wilson, McGeehan, Dean and Bibby:**

**H. B. 2751** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-17-1, relating to abolishing mandatory prison sentences”; to the Committee on the Judiciary.

**By Delegates Wilson and Bibby:**

**H. B. 2752** - “A Bill to amend and reenact §60A-9-5 of the Code of West Virginia, 1931, as amended, relating to adding to the persons who have access to the information kept by the Board of Pharmacy”; to the Committee on Health and Human Resources.

**By Delegates Wilson and Bibby:**

**H. B. 2753** - “A Bill to amend and reenact §3-5-23 of the Code of West Virginia, 1931, as amended, relating to permitting stand-in candidates for gubernatorial and presidential contests”; to the Committee on the Judiciary.

**By Delegates Wilson, J. Jeffries and Graves:**

**H. B. 2754** - “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 Health and Human Resources.

**By Delegates Fleischauer, Lavender-Bowe, Hansen, S. Brown, Pethel, Hartman, Pyles, Zukoff, Evans, Doyle and Byrd:**

**H. B. 2755** - “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 in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining ‘sexual orientation’ and ‘gender identity’”; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Foster, Criss, Waxman, Graves, D. Jeffries, Pack, Hill, Skaff, Barrett, Butler and Harshbarger:**

**H. B. 2756** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-11-21, relating to requiring contractors performing work for government contracts on computers use software to verify the hours the contractor worked on the computer”; to the Committee on Industry and Labor then Government Organization.



**By Delegates D. Kelly, Storch, Harshbarger, Evans, Doyle, Capito, Miller, Mandt, Cadle, Steele and Fast:**

**H. B. 2757** - "A Bill to amend and reenact §5-1-10 of the Code of West Virginia, 1931, as amended, relating to the authorization of the Governor to seek the return of fugitives when found in another state or the District of Columbia; providing for return of persons who have been improperly released from confinement; and updating terms, titles, and cross-references"; to the Committee on the Judiciary.

**By Delegates Estep-Burton, Walker, Angelucci, Doyle, Lavender-Bowe and Zukoff:**

**H. B. 2758** - "A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended, relating to establishing minimum numbers of school counselors that shall be employed by the county board and assigned to each high, middle, and elementary school in the state"; to the Committee on Education then Finance.

**By Delegate Shott:**

**H. B. 2759** - "A Bill to amend and reenact §41-5-13 of the Code of West Virginia, 1931, as amended; to amend and reenact §44-1-4 of said code; and to amend said code by adding thereto a new section, designated §44-1-14b, all relating to the administration of estates and providing for the ancillary administration of West Virginia real estate owned by nonresidents by affidavit and without administration"; to the Committee on the Judiciary.

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

**H. B. 2760** - "A Bill to amend and reenact §4-10-7 and §4-10-9 of the Code of West Virginia, 1931, as amended, all relating to performance reviews of state agencies and regulatory boards; authorizing the Joint Committee on Government Operations and the Joint Standing Committee on Government Organizations to include analysis of the rules of agencies and regulatory boards and to make recommendations to the Legislative Rule-Making Review Committee"; to the Committee on Government Organization.

**By Delegate Westfall:**

**H. B. 2761** - "A Bill to amend and reenact §38-14-2, §38-14-3, §38-14-4, §38-14-5, §38-14-7, §38-14-8, and §38-14-9 of the Code of West Virginia, 1931, as amended, all relating to modernizing the self-service storage lien law; modifying late fees; re-defining certain terms; providing modern methods of satisfying a self-service storage lien; and providing a new effective date"; to the Committee on the Judiciary.

**By Delegates Westfall, D. Jeffries, Hott, Azinger and Nelson:**

**H. B. 2762** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-6D-17; and to amend and reenact §17B-4-6 of said code, all relating to authorizing daily passenger rental car companies to charge reasonable administrative fees when the fees are incidental to or arising from the rental car transaction; modernizing rental car transactions, permitting digital and electronic rentals; providing for motor vehicle rentals by private vehicle rental program providers under certain circumstances; providing that a rental car provider has met certain obligations when the renter has not executed a rental agreement or interacts with an employee of the provider; providing that all person engaging in rental car transactions including private vehicle rental program providers are subject the provisions contained in this code; and defining terms"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Hornbuckle, Fluharty and Skaff:**

**H. B. 2763** - "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 in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining 'sexual orientation' and 'gender identity'; to the Committee on Industry and Labor then the Judiciary.

**By Delegates Fast, Harshbarger, Miller, Hanna, Cowles, Nelson, Foster, D. Kelly, Howell and Pack:**

**H. B. 2764** - "A Bill to amend and reenact §15A-4-11 of the Code of West Virginia, 1931, as amended, relating to the financial responsibility of inmates in relation to civil awards and previously entered court-ordered obligations"; to the Committee on the Judiciary then Finance.

**By Delegates Rodighiero, Miller, Tomblin, Hicks and Evans:**

**H. B. 2765** - "A Bill to amend and reenact §11-9-2a of the Code of West Virginia, 1931, as amended, relating to allowing firearms-qualified tax division investigators to carry firearms"; to the Committee on the Judiciary.

**By Delegates Waxman, Dean, Toney, Hanna, Evans, Atkinson, J. Kelly, Jennings, R. Thompson, Zukoff and Hornbuckle:**

**H. B. 2766** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-46a, relating to a student not advancing to the next grade by teacher recommendation; limitations"; to the Committee on Education.

**By Delegates Criss, J. Jeffries, Azinger, Steele, Mandt, Cadle and Hanna:**

**H. B. 2767** - "A Bill to amend and reenact §11-13A-3 of the Code of West Virginia, 1931, as amended, relating to reducing the severance tax on thermal or steam coal to two percent, effective March 31, 2019"; to the Committee on Energy then Finance.

**By Delegate Rohrbach:**

**H. B. 2768** - "A Bill to amend and reenact §16-54-1, §16-54-3, §16-54-4, §16-54-5, §16-54-6, §16-54-7, and §16-54-8, of the Code of West Virginia, 1931, as amended, all relating to reducing the use of certain prescription drugs; defining terms; clarifying types of examinations; requiring certain information in a narcotics contract; clarifying that the drug being regulated is a schedule II opioid drug; providing exceptions; and requiring coverage for certain procedures to treat chronic pain"; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

**By Delegates Butler, Worrell, Jennings, Wilson, Bibby, J. Jeffries and Hanna:**

**H. B. 2769** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5; all relating to creating Citizen and State Accountability Act; defining terms; requiring departments, agencies, and officials of state or local government to apply for major and minor grant agreements; establishing the requirements for applying for the grant agreements; requiring written consent of major grant requests by the Governor; permitting the Governor to prohibit the submission of a grant application; and, permitting the Governor to delegate certain duties"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Rohrbach, Ellington, Barrett, Queen, Waxman and Byrd:**

**H. B. 2770** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-52-1, §33-52-2, §33-52-3, and §33-52-4, all relating to establishing the Fairness in Cost-Sharing Calculation Act; providing for definitions; establishing health plan cost sharing calculations; establishing pharmacy benefits cost sharing calculations; and providing for rule-making authority"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Miller, Tomblin, Rodighiero, Westfall, Maynard, Lovejoy, Canestraro and Lavender-Bowe:**

**H. B. 2771** - "A Bill to amend and reenact §7-14D-24 of the Code of West Virginia, 1931, as amended, relating to deputy sheriff retirement system act, service as sheriff"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Miller, Harshbarger, Tomblin, D. Kelly, Lovejoy, Canestraro, Maynard and Lavender-Bowe:**

**H. B. 2772** - "A Bill to amend and reenact §15A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §15A-3-14a, all relating to the Division of Corrections and Rehabilitations acquiring and disposal of services, goods and commodities; clarifying the notice requirements; allowing the division to require surety; allowing the division to utilize best value procurement; clarifying the manner under which the division is to cancel a contract; clarifying the surety requirement; providing a method to award a contract after cancellation; allowing for sole source procurement; disqualification of vendors to whom the division may award a contract; allowing the division to run criminal background checks, financial background checks, licensing background checks, and credit checks to ensure the ability to award a contract; creating a special revenue fund; and providing for methods of disposition of surplus property owned by the division"; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

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

**H. B. 2773** - "A Bill to amend and reenact §7-12-12 of the Code of West Virginia, 1931, as amended, relating to granting the State Auditor the authority to audit the books and records of local economic development authorities; and permitting, in the alternative, the authority to be audited by an independent Certified Public Accountant with copies forwarded to the county commission and the Auditor"; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Cadle, Cooper, Westfall, J. Jeffries, Harshbarger, Paynter, Worrell, Bibby, Hardy, Wilson and Atkinson:**

**H. B. 2774** - "A Bill to amend and reenact §19-19-2 of the Code of West Virginia, 1931, as amended; and to amend the code by adding thereto two new sections, designated §19-19-7 and §19-19-8, all relating to the right to farm; providing for an amended definition of agriculture; providing for protections to agriculture operations from nuisance litigation if the facility has been in operation for more than one year; and providing a severability clause"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegates C. Martin, Dean, Maynard, Worrell, P. Martin, Mandt, Pack, Graves and Fast:**

**H. B. 2775** - "A Bill to amend and reenact §18-2-7c of the Code of West Virginia, 1931, as amended, relating to requiring each high school student to complete a one-half credit course of study in personal finance as a requirement for high school graduation"; to the Committee on Education.

**By Delegate Rodighiero:**

**H. B. 2776** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22l; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to providing one-time supplements to all annuitants when they reach the age of 70"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Campbell, Lavender-Bowe, R. Thompson, Hornbuckle, Caputo, Rohrbach, Dean, Westfall, Pack, Paynter and Robinson:**

**H. B. 2777** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-15e, relating to requiring schools to offer elective vocational courses in middle schools"; to the Committee on Education.

**By Delegate Rodighiero:**

**H. B. 2778** - "A Bill to amend and reenact §18-5D-2, §18-5D-3, and §18-5D-4, of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Feed to Achieve Act; and providing that school nutrition plans include take home meals for low income students or any student who requests take home meals"; to the Committee on Education then Finance.

**By Delegates Shott, Anderson, Cadle, J. Kelly, Phillips, Evans, Boggs, Pethtel, Maynard, Higginbotham and Hansen:**

**H. B. 2779** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-4-9; and to amend and reenact §55-12A-7 of said code, all relating to providing that proceeds from certain oil and gas wells that are due to persons whose name or address are unknown are to be kept in a special fund and if unclaimed within seven years, the proceeds shall be transferred to the Oil and Gas Reclamation Fund; providing that if there is a surface disturbance those named surface owners of a leased interest subject to pooling for a horizontal well are the only surface owners insofar as the well permit is concerned; providing that if another surface owner should become known his or her name shall be added as a surface owner on the permit; providing that if proceeds from other mineral tracts in a unit or pool of a horizontal well are not claimed by an unknown, missing or abandoned owner within seven years, the proceeds shall be transferred to the Oil and Gas Reclamation Fund; providing that certain provisions take effect beginning when funds have been unclaimed for seven years after the special commissioner's lease regardless of when the lease was signed; and authorizing rulemaking"; to the Committee on Energy.

**By Delegates Hollen, Graves, Pethtel, Evans, Anderson and Malcolm:**

**H. B. 2780** - "A Bill to amend and reenact §18-7A-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-7B-2 of said code, all relating to permitting employees of educational services cooperatives to participate in the State Teachers Retirement System; and permitting persons employed for instructional services by educational services cooperatives to participate in the State Teachers' Defined Contribution Retirement System"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Hill, S. Brown, McGeehan, Rohrbach, Summers, Steele, Pushkin and Staggers:**

**H. B. 2781** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-24, relating to permitting a person to obtain a 12-month supply of contraceptive drugs"; to the Committee on Health and Human Resources.

**Special Calendar****Third Reading**

**Com. Sub. for H. B. 2407**, Relating to registered professional nurses; 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. 44**), 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: Cowles and 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. 2407) 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. 2492**, Relating to mandatory reporting procedures of abuse and neglect of adults and children; 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. 45**), 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: Cowles and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2492) 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. 2510**, Relating to special funds of boards of examination or registration; 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. 46**), and there were—yeas 88, nays 10, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: S. Brown, Byrd, Estep-Burton, Fleischauer, Hansen, Hicks, Pushkin, Robinson, Rowe 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. 2510) 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. 2525**, Tobacco Cessation Therapy Access Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 47**), 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: Cowles and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2525) 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. 2530**, Creating a voluntary certification for recovery residences; 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. 48**), 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: Cowles and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2530) passed.

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

**Com. Sub. for H. B. 2531**, Permitting trained nurses to provide mental health services in a medication-assisted treatment program; 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. 49**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Jennings.

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 (Com. Sub. for H. B. 2531) 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. 2559**, Requiring a special report by the Division of Personnel; 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. 50**), 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 (H. B. 2559) 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**

**S. B. 28**, Removing hotel occupancy tax limit collects for medical care and emergency services; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page four, section fourteen, line ninety-two, following the words “county exist” and the semicolon, by striking out the word “or”.

And,

On page four, section fourteen, line ninety-four, following the words “Recreational Authority”, by striking out the period and inserting a semicolon and the word “or”, followed by a new subdivision (11) to read as follows:

“(11) Support and operation of economic development activities, including site development, facilities and infrastructure.”

The bill was then ordered to third reading.

**S. B. 177**, Fire Commission rule relating to State Building Code; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for H. B. 2010**, Relating to foster care; on second reading, coming up in regular order, was read a second time.

Delegates Summers and Kessinger moved to amend the bill on page sixteen, section one hundred thirteen, line seven, following the “(j)” designation, by inserting the following:

“A residential child care center which has entered into a contract with the department to provide services to a certain number of foster children, shall accept any foster child who meets the residential child care center’s program criteria, if the residential child care center has not met its maximum capacity as provided for in the contract.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 51**), and there were—yeas 54, nays 45, absent and not voting 1, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Kump.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

On motion of Delegate Zukoff, the bill was amended on page two, section twenty-seven, line twenty-seven, by deleting the period and inserting comma and the following “and the managed care organization that is awarded the contract shall create a voluntary advisory group of foster parents, which shall meet every six months, to discuss issues they are encountering with the managed care organization.”

Delegates Doyle and Longstreth moved to amend the bill on pages one through four, beginning on line one of page one and ending on line fifty-six on page four, by striking out §9-5-27 in its entirety, and inserting in lieu thereof the following:

**“§9-5-27. Prohibiting Department of Health and Human Services Managed Care Contracts.**

The Department of Health and Human Services may not enter into any managed care contract for any Medicaid child foster care managed care services, including but not limited to acute care, including medical, pharmacy, dental or behavioral health services. All moneys budgeted or otherwise reserved for costs associated with entering into a contract for this purpose shall be allocated to personnel services for the Department of Health and Humans Services to be utilized to increase salaries and hire additional Child Protective Services and Adult Protective Services employees with a goal of hiring an additional twenty percent of service providers for those agencies.”

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

The bill was then ordered to engrossment and third 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.

An amendment to the bill, offered by Delegate Pushkin on yesterday, was reported by the Clerk.

Whereupon,

Delegate Pushkin asked and obtained unanimous consent to reform the amendment.

Delegate Pushkin then 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) Peer recovery.”

And,

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

On this question, the House divided and the Speaker declared the amendment rejected.

Delegate Howell moved to amend the bill on page four, section ten, line thirty-eight, by striking out paragraph “(L)” in its entirety and inserting in lieu thereof a new paragraph “(L)” to read as follows:

“(L) Corrections medical providers, pursuant to §15A-1-1 *et seq.* of this code.”

On this question, the House divided and the Speaker declared the amendment adopted.

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

**Com. Sub. for H. B. 2503**, Relating to court actions; 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. 2521**, Relating to permitting fur-bearer parts; 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. 27**, Removing restrictions on where certain traditional lottery games may be played,

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

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

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

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

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

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

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

And,

**H. B. 2679**, Relating to state issued identification cards.

### 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 132, unanimous consent was requested and obtained to print the remarks of Delegate Robinson during the debate regarding the amendment offered by Delegates Summers and Kessinger to Com. Sub. for H. B. 2010 in the Appendix to the Journal.

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

- Delegates Lovejoy and Rohrbach for H. B. 2100
- Delegate Phillips for H. B. 2204
- Delegate Wilson for H. B. 2456 and H. B. 2495
- Delegate Harshbarger for H. B. 2673
- Delegate P. Martin for H. R. 6

Pursuant to House Rule 94b, Delegate Toney filed a form with the Clerk's Office to be removed as a cosponsor of H. B. 2697.

At 12:42 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, January 31, 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**

**Thursday, January 31, 2019**

**23<sup>rd</sup> Day**

**11:00 A. M.**

### **THIRD READING**

- S. B. 28 - Removing hotel occupancy tax limit collects for medical care and emergency services (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)

### **SECOND 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)

**FIRST READING**

Com. Sub. for H. B. 2607 - Relating to the licensure of nursing homes (ELLINGTON) (REGULAR)

Com. Sub. for H. B. 2612 - Proposing rules related to the completion or updating of source water protection plans (ELLINGTON) (REGULAR)

**HOUSE CALENDAR**

**Thursday, January 31, 2019**

**23<sup>rd</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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**THURSDAY, JANUARY 31, 2019**

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

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**SMALL BUSINESS, ENTREPRENEURSHIP AND ECONOMIC DEVELOPMENT  
9:00 A.M. – ROOM 215E**

**BANKING & INSURANCE  
10:00 A.M. – ROOM 215E**

**SENIOR, CHILDREN, AND FAMILY ISSUES  
1:00 P.M. – ROOM 215E**

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

**COMMITTEE ON ENERGY  
2:00 P.M. – ROOM 418M**

**PREVENTION AND TREATMENT OF SUBSTANCE ABUSE  
3:30 P.M. – ROOM 215E**



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