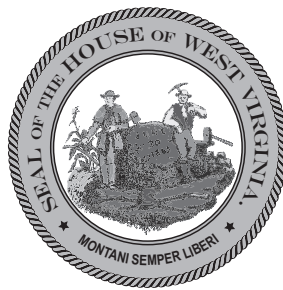


West Virginia Legislature

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February 8, 2019
THIRTY-FIRST DAY

Friday, February 8, 2019

THIRTY-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 Thursday, February 7, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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. 2609, Relating to presumptions of abandonment and indication of ownership in property,

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

Com. Sub. for H. B. 2609 - "A Bill to amend and reenact §36-8-2 of the Code of West Virginia, 1931, as amended, relating to presumptions of abandonment and indication of ownership in demand, savings and time deposits held by a financial institution,"

And,

H. B. 2720, Authorizing certain investigators and first responders to carry firearms,

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

Com. Sub. for H. B. 2720 - "A Bill to amend the Code of West Virginia, 1931, as amended, 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 first responders to carry firearms; authorizing supervising entities to authorize 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 allowing for reimbursement for the cost of the training,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2647, Self Storage Limited License Act,

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

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 61, Adding certain crimes for which prosecutor may apply for wiretap,

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

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. 2109, Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations,

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

Com. Sub. for H. B. 2109 - "A Bill to amend and reenact §62-12-10 of the Code of West Virginia, 1931, as amended, relating to extending the maximum period of confinement a judge may impose for certain, first-time probationary violations from 60 days to six months; and providing judges greater sentencing discretion for certain, subsequent violations of probation,"

And,

H. B. 2761, Modernizing the self-service storage lien law,

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

Com. Sub. for 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,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on the Judiciary has had under consideration:

Com. Sub. for S. B. 18, Relating to crimes committed on State Capitol Complex,

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

Delegate Rohrbach, Chair of the Committee on Prevention and Treatment of Substance Abuse, submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

H. B. 2768, Reducing the use of certain prescription drugs,

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 Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 2768) was referred to the Committee on Health and Human Resources.

Delegate Rohrbach, Chair of the Committee on Prevention and Treatment of Substance Abuse, submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

S. B. 63, Relating to partial filling of prescriptions,

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 (S. B. 63) was referred to the Committee on the Judiciary.

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. 2867, Transferring the Medicaid Fraud Control Unit to the Attorney General's office,

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. 2867) was referred to the Committee on the Judiciary.

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. 2801, Requiring abortions to be performed by a licensed physician,

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. 2801) was referred to the Committee on the Judiciary.

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

By Delegates Ellington, Rohrbach and Bates:

H. B. 2878 - "A Bill to amend and reenact §60A-2-204 of the Code of West Virginia, 1931, as amended, relating to updating the controlled substances listed on schedule one."

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

By Delegates Ellington, Rohrbach and Bates:

H. B. 2991 - "A Bill to amend and reenact §16-53-1 and §16-53-2 of the Code of West Virginia, 1931, as amended, relating to the Ryan Brown Addiction Prevention and Recovery Fund; requiring an assessment; requiring a presentation of that assessment; and requiring future settlements to be directed to the fund."

Pursuant to House Rule 80, the Speaker then referred the bill (H. B. 2991) to the Committee on Finance.

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. 2802, Uniform Partition of Heirs Property Act,

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. 2802) was referred to the Committee on the Judiciary.

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. 2361, Establishing certain requirements for dental insurance,

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. 2361) was referred to the Committee on the Judiciary.

Delegate Rowan, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

H. B. 2625, Establishing reimbursement rates for congregate and in-home meals,

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. 2625) was referred to the Committee on Finance.

Delegate Rowan, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

H. B. 2825, Creating a workgroup to review the hospice need standards in this state,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2825) was referred to the Committee on Health and Human Resources.

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. 127 - "A Bill to amend and reenact §62-12-6 of the Code of West Virginia, 1931, as amended, relating to the duty of probation officers to perform such alcohol and drug testing of litigants as directed by the circuit and family courts; and reporting results to the court"; 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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

Com. Sub. for S. B. 163 - "A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating generally to authorizing agencies under the Department of Environmental Protection to promulgate rules; authorizing the rules as filed, as modified by the Legislative Rule-Making Review Committee, and as amended by the Legislature; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from hazardous waste treatment, storage, and disposal facilities; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for determining conformity of transportation plans, programs, and projects developed, funded, or approved under Title 23 U.S.C. or the Federal Transit Laws to applicable air quality implementation plans (transportation conformity); authorizing the Department of Environmental Protection to promulgate a legislative rule relating to provisions for determination of compliance with air quality management rules; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to cross-state air pollution rule to control annual nitrogen oxides emissions, annual sulfur dioxide emissions, and ozone season nitrogen oxides emissions; and authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards"; which was referred to the Committee on Energy 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. 392 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-3-14a, relating to payment of certain claims received by the Division of Corrections and Rehabilitation not otherwise specifically provided for in this article; requiring audit of such claims by the division; providing procedure for payment of valid audited claims from division funds; and authorizing payment of unaudited claims in certain circumstances from division funds"; which was referred to the Committee on Government Organization.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

S. C. R. 16 - "Requesting the Division of Highways name bridge number 08-1-17.04 (08A003), locally known as the Queen Shoals Bridge, carrying Queen Road on County Route 1 over the Elk River in Clay County, the 'U. S. Army SP4 Wilbur Allen Smith Memorial Bridge'."

Whereas, Wilbur Allen Smith, known throughout his life as "Al", was born to Wilbur Amos Smith and Mary Eloise Rogers on January 8, 1948, in Madison, West Virginia, and grew up in Clay County on Camp Creek Hill at Bomont, West Virginia; and

Whereas, Wilbur Allen Smith attended Clay County schools, graduated from Clay County High School in 1965, and was a member of the National Honor Society. He also attended Glenville State College with a goal of becoming a biology teacher; and

Whereas, Wilbur Allen Smith was inducted in the U. S. Army in 1968 and, after training at Fort Bragg, North Carolina, and Fort Polk, Louisiana, he was sent to serve in Vietnam, beginning in October 1968. He served in the First Cavalry Division (Airmobile), an infantry division converted into a new kind of fighting force known as an air assault division for its extensive use of the mobility of helicopters, where he attained the rank of Specialist 4; and

Whereas, On June 2, 1969, two companies of SP4 Wilbur Allen Smith's division encountered a large number of enemy soldiers in fortified bunkers along the Dong Nai River. What followed was an intense firefight resulting in more than 55 casualties. During the battle, SP4 Wilbur Allen Smith volunteered to neutralize one of the bunkers and he maneuvered to within 15 feet of the enemy's position. Tragically, he was killed by the explosion of an enemy rocket grenade; and

Whereas, SP4 Wilbur Allen Smith was laid to rest in the Smith Family Cemetery on Camp Creek Hill near Bomont, West Virginia, and he is survived by two sisters and a large extended family who remember his life and spirit with great sentiment; and

Whereas, It is fitting that an enduring memorial be established to commemorate SP4 Wilbur Allen Smith and his contributions and sacrifice for 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 08-1-17.04 (08A003), locally known as the Queen Shoals Bridge, carrying Queen Road on County Route 1 over the Elk River in Clay County, the "U. S. Army SP4 Wilbur Allen Smith Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army SP4 Wilbur Allen Smith Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

S. C. R. 20 - “Requesting the Division of Highways name bridge number 26-250-31.34 (26A119), known locally as Route 250 Jefferson Avenue Extension Bridge, crossing Little Grave Creek just south of the Walmart Plaza entrance near Moundsville, West Virginia, the ‘U.S. Air Force SSGT Ryan David Hammond Memorial Bridge’.”

Whereas, Ryan Hammond was born on March 29, 1989, in Glen Dale, West Virginia, and graduated from John Marshall High School in 2007; and

Whereas, After graduating high school, Ryan Hammond proudly joined the United States Air Force in September 2007 as an F-15 Avionics Technician at Tyndall Air Force Base, Florida, and Seymour Johnson Air Force Base, North Carolina. After 6 years of service, Ryan cross-trained to a Loadmaster and arrived at Dyess Air Force Base, Texas, in March 2014 as part of the 39th Airlift Squadron; and

Whereas, SSGT Ryan David Hammond, 26, of Moundsville, West Virginia, died as a hero on Friday, October 2, 2015. Ryan was killed in action when a U.S.C-130J plane crashed while taking off from Jalalabad International Airport in Afghanistan during Operation Freedom’s Sentinel; and

Whereas, Before his deployment, Ryan applied to officer training school. He was a member of the elite USAF Honor Guard. Ryan was also working toward his bachelor’s degree in Technical Management at Embry-Riddle Aeronautical University. He was a member of Ebenezer United Methodist Church on Roberts Ridge, in Moundsville. Ryan lived in Abilene, Texas, with his wife, Holly, and their dog, Dug; and

Whereas, It is fitting that an enduring memorial be established to commemorate SSGT Ryan David Hammond and his sacrifice for his state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name bridge number 26-250-31.34 (26A119), known locally as Route 250 Jefferson Avenue Extension Bridge, crossing Little Grave Creek just south of the Walmart Plaza entrance near Moundsville, West Virginia, the “U.S. Air Force SSGT Ryan David Hammond Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Air Force SSGT Ryan David Hammond Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed forward a copy of this resolution to the Commissioner of the Division of Highways.

Resolutions Introduced

Delegate Byrd offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

H. R. 13 - "Urging the Commissioner of the Bureau for Public Health to designate Alzheimer's Disease and other dementia as a public health issue."

Whereas, It is the intent of the House of Delegates to increase awareness of Alzheimer's Disease and other dementia, address cognitive impairment, promote brain health and meet the needs of caregivers; and

Whereas, Alzheimer's Disease has been traditionally seen as an aging issue. Alzheimer's is also a public health issue because the burden to society is large, the impact is major and there are ways to intervene throughout the lifespan; and

Whereas, The onset of Alzheimer's Disease cannot yet be stopped or reversed; and

Whereas, Early detection and diagnosis give people with dementia and their families a better chance of receiving and benefitting from treatment, care and support services and allow them to better prepare for medical, legal and financial decisions in the future; and

Whereas, Alzheimer's Disease is the sixth leading cause of death in adults age 18 or older in the United States of America; and

Whereas, Currently there are no definitive interventions or successful treatments to prevent or cure Alzheimer's Disease; and

Whereas, The Centers for Disease Control and Prevention (CDC) has declared that it is essential to promote early detection, educate the public about risk reduction and continue accurately tracking the diagnosis of Alzheimer's Disease and other dementia; and

Whereas, In conjunction with the CDC, the Bureau for Public Health annually conducts the Behavioral Risk Factor Surveillance System (BRFSS) survey to gather statewide public health data; and

Whereas, In the 2015 BRFSS survey, 10 percent, or one in 10, of West Virginia residents aged 45 and older reported an increase in confusion or worsening memory loss and more than half of them (52.4 percent) had not discussed these cognitive concerns with a healthcare provider; and

Whereas, Dementia caregivers often suffer from stress, depression, increased illnesses and chronic health issues providing care to their loved ones for long periods of time, saving taxpayers billions of dollars in the process; and

Whereas, The Bureau for Public Health has important responsibility of promoting and encouraging healthy behaviors among the general public, increasing early detection and diagnosis of disease and disability, reducing risk of future illness and injury, educating the healthcare workforce, and monitoring the health of the state; therefore, be it

Resolved by the House of Delegates:

That the House of Delegates hereby urges the Commissioner of the Bureau for Public Health to designate Alzheimer's Disease and other dementia as a public health issue; and, be it

Further Resolved, That the Clerk forward a copy of this resolution be transmitted to the Commissioner of the Bureau for Public Health.

Delegates Hanna, C. Martin and P. Martin offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 57 - "Requesting the Division of Highways name bridge number 49-9-21.84 (49A028), locally known as Palace Valley W-beam Bridge, carrying County Route 9 over the Left Fork of Buckhannon River in Upshur County, the 'Colonel Morgan Morgan Memorial Bridge'."

Whereas, Colonel Morgan was born in 1688 in Glamorganshire, Wales, and educated in London, England; and

Whereas, He emigrated to the American colonies at the age of 24 where he settled in Christina, Delaware, in 1702; and

Whereas, In 1713, he married Catherine Garretson, the love of his life, in a ceremony in New Castle County, Delaware; and

Whereas, He and his wife moved from Christina, Delaware, to Winchester, Virginia, where he became an ordained minister; and

Whereas, In 1731, he arrived in what is now the State of West Virginia; and

Whereas, In 1734, he was appointed to the "Commission of the Peace," which was at that time the office of the magistrate; and

Whereas, Between 1735-1736 and 1753, he acquired a military commission in the First Militia (now the 201st Field Artillery Regiment of the West Virginia Army National Guard), also known as the Berkeley Rifles, and rose from Captain of the militia to Lieutenant Colonel; and

Whereas, Colonel Morgan was in one of 13 militia companies tasked with fighting the British in the early stages of the Revolutionary War; and

Whereas, Colonel Morgan is credited with many "firsts" including: Being the first permanent European settler in present-day West Virginia; establishing the first Episcopal Church, known as the Mill Creek Church, in the Commonwealth of Virginia; being the first civil officer; being the first judicial officer; establishing the first licensed tavern and inn for pioneer travelers in the Blue Ridge Mountain area; engineering the first road built in present-day West Virginia, which was approximately 12 miles long; organizing the first militia in the area; and being the first "Gentlemen Justice" involved in the formation of two counties in Virginia; and

Whereas, Colonel Morgan and his descendants were also instrumental in the development of Virginia and present-day West Virginia. Without Colonel Morgan and his descendants, there would likely be no West Virginia, no Marion County, no Fairmont, and no Morgantown. His descendants include former West Virginia Governor Ephraim F. Morgan, and Francis Harrison Pierpont (also known as the "Father of West Virginia"); and

Whereas, The naming of this bridge is an appropriate recognition of Colonel Morgan's contributions to this country and to the place that is present-day West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 49-9-21.84 (49A028), locally known as Palace Valley W-beam Bridge, carrying County Route 9 over the Left Fork of Buckhannon River in Upshur County, the "Colonel Morgan Morgan Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "Colonel Morgan Morgan 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.

Delegate Rowe offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 58 - "Requesting Division of Highways to name that portion of I-64/I-77 beginning at mile marker 93 and ending at mile marker 94 in Kanawha County, the 'U. S. Army SGT Tommy Meadows Memorial Road'."

Whereas, Tommy Meadows was born on February 17, 1948, in Charleston and passed away on March 5, 2017; and

Whereas, Sergeant Meadows was president of his Sophomore, Junior and Senior years at DuPont High School; and

Whereas, Tommy Meadows served in the United States Army from 1968 to 1970; and

Whereas, While serving in Vietnam SGT Meadows was exposed to Agent Orange, which eventually contributed to his death; and

Whereas, Tommy Meadows served as a Kanawha County Deputy Sheriff for five years; and

Whereas, SGT Meadows retired from Union Carbide with a disability because of exposure to Agent Orange; and

Whereas, SGT Meadows was an officer and active member of Charleston Moose 1444; and

Whereas, SGT Meadows was a volunteer with Community of Rand Association performing community services for the betterment of Rand; and

Whereas, SGT Meadows bought and delivered meals to senior citizens in the area and was forever lending assistance to anyone in need; and

Whereas, It is fitting that a proper memorial be established for this man who so ably served his country and the State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name that portion of I-64/I-77 beginning at mile marker 93 and ending at mile marker 94 in Kanawha County, the "U. S. Army SGT Tommy Meadows 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 highway as the "U. S. Army SGT Tommy Meadows 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 Linville, Higginbotham, J. Kelly, Hollen, Azinger, D. Kelly, Westfall, Barrett, Bates, Butler, Criss, Ellington, Graves, Hartman, Hill, Longstreth, Maynard, Rowan, Rowe, Skaff and Storch offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 59 - "Requesting the Governor of West Virginia, upon the death of Hershel 'Woody' Williams, West Virginia's last living Medal of Honor recipient from World War II, to hold a celebration of his life memorial service at the West Virginia State Capitol."

Whereas, Corporal Hershel "Woody" Williams was born on October 2, 1923, on a dairy farm in Quiet Dell, West Virginia. In October 1945, he married Ruby Meredith, and they had two daughters; and

Whereas, Corporal Williams enlisted in the United States Marine Corps and served in the Battle of Iwo Jima with the 21st Marines, 3rd Marine Division. During the battle, Corporal Williams displayed "valiant devotion to duty" and service above self as he "enabled his company to reach its objective." His actions, commitment to his fellow service members, and heroism were recognized on October 5, 1945, when he received the Congressional Medal of Honor from President Truman at the White House. Corporal Williams is the sole surviving Marine from WWII to wear the Medal of Honor; and

Whereas, Corporal Williams' Medal of Honor Citation reads: "For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as demolition sergeant serving with the 21st Marines, 3d Marine Division, in action against enemy Japanese forces on Iwo Jima, Volcano Islands, February 23, 1945. Quick to volunteer his services when our tanks were maneuvering vainly to open a lane for the infantry through the network of reinforced concrete pillboxes, buried mines, and black volcanic sands, Cpl. Williams daringly went forward alone to attempt the reduction of devastating machine-gun fire from the unyielding positions. Covered only by four riflemen, he fought desperately for four hours under terrific enemy small-arms fire and repeatedly returned to his own lines to prepare demolition charges and obtain serviced flamethrowers, struggling back, frequently to the rear of hostile emplacements, to wipe out one position after another. On one occasion, he daringly mounted a pillbox to insert the nozzle of his flamethrower through the air vent, killing the occupants and silencing the gun; on another he grimly charged enemy riflemen who attempted to stop him with bayonets and destroyed them with a burst of flame from his weapon. His unyielding determination and extraordinary heroism in the face of ruthless enemy resistance were directly instrumental in neutralizing one of the most fanatically defended Japanese strong points encountered by his regiment and aided vitally in enabling his company to reach its objective. Cpl. Williams' aggressive fighting spirit and valiant devotion to duty throughout this fiercely contested action sustain and enhance the highest traditions of the U.S. Naval Service;" and

Whereas, After his discharge in November 1945, Corporal Williams served in the Marine Corps Reserve, retiring in 1969. From 1946 to 1979, he was a counselor with the Veterans Administration, working with veterans from West Virginia; and

Whereas, Devotion to duty, service members, veterans, and their families began long before the battle and before Corporal Williams entered the Corps. As World War II began, he came into direct contact with families in his own community when he delivered Western Union telegrams informing

the Gold Star families of the deaths of their loved ones. Corporal Williams says that those experiences gave him a “greater appreciation for life and an understanding of a difference in death in the normal world as expected in life, and those lost serving in the military for their country.” He noted that “consideration and recognition of the families of those lost in war was very inadequate.” This observation and his personal commitment to veterans and their families led him to help create the Hershel Woody Williams Medal of Honor Foundation in 2012; and

Whereas, The activities of this foundation allow Corporal Williams to continue his devotion and commitment to those who have served and the Gold Star families who have lost loved ones. His foundation is focused on honoring Gold Star families and their fallen heroes by establishing Gold Star Families Memorial Monuments in communities in all 50 states, offering scholarships to Gold Star children, sponsoring outreach programs and events, and educating communities about Gold Star families and the sacrifices they have endured; and

Whereas, Corporal Williams also remains active, talking to church, youth, and veterans’ groups, and has penned dozens of resolutions to help veterans and other causes in West Virginia and throughout the United States; and

Whereas, A celebration of life memorial service at the West Virginia State Capitol to be held upon the death of Hershel “Woody” Williams, West Virginia’s last Medal of Honor recipient from World War II, would be a modest token of appreciation for the services he has rendered to this state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia Legislature hereby requests the Governor of West Virginia, upon the death of Hershel ‘Woody’ Williams, West Virginia’s last living Medal of Honor recipient from World War II, to hold a celebration of his life memorial service at the West Virginia State Capitol; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Governor of West Virginia.

Petitions

Delegates Robinson, Estep-Burton and Rowe presented a petition signed by members of Veterans of Foreign Wars, Post 8363, in support of H. C. R. 17, U. S. Marine Corps CPL Larry Scott Kennedy Memorial Bridge; which was referred to the Committee on Technology and Infrastructure.

Motions

Delegate Hornbuckle filed a written motion, that the Public Hearing for S. B. 451 heretofore announced, be moved to 5:30 p.m. on Monday, February 11, 2019.

Delegate Rowe arose to a point of order regarding whether the Committee on Finance could hold a public hearing if it has not yet received the bill.

To the point, the Speaker replied that the request for the public hearing was made jointly to the Committees on Education and Finance and that either committee may hold the hearing.

Delegate D. Kelly moved that the motion be amended to schedule two public hearings, one at 8:00 a.m., and one at 5:30 p.m.

On this question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 97**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the motion to amend the motion by Delegate Hornbuckle prevailed.

The question being on the motion by Delegate Hornbuckle, as amended, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 98**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed.

Bills Introduced

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

By Delegates Worrell, D. Kelly, Kessinger, Fast, Mandt, Harshbarger, Steele, Wilson, Hollen, Shott and Hanshaw (Mr. Speaker):

H. B. 2915 - “A Bill to amend and reenact §16-2I-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-2I-2a; to amend said code by adding thereto a new article, designated §16-2P-1; and to amend said code by adding thereto a new article, designated §16-2Q-1 and §16-2Q-2, all relating to restricting the performance of abortions and acquiring, providing, receiving, otherwise transferring, or using fetal body parts; providing exceptions and criminal penalties; placing requirements on physicians; and requiring rulemaking by the Board of Medicine”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Sponaugle, Barrett, Householder, Criss, Bates, Ellington, Pushkin, Skaff, Miley, Caputo and S. Brown:

H. B. 2916 - “A Bill to amend and reenact §60-8-2, §60-8-3, and §60-8-16 of the Code of West Virginia, 1931, as amended; and to add thereto a new section designated §60-8-4a, all relating to expanding the ability of hard cider manufactures to produce hard cider in this state; eliminating the requirement of a private wine restaurant to serve meals or food with the sale of wine; establishing a new tax classification for hard cider as a type of wine manufactured in this state; permitting federal tax credits to apply to the state tax for those producers who qualify; creating a fund for tax deposits; requiring reports to the Tax Commissioner; permitting a wine manufacturer to serve full pours of wine at festivals for which it is properly licensed; permitting any person or legal business entity to apply for a permit to sell wine in this state; permitting a United States resident, a permanent resident alien, or any other lawful person or entity permitted to conduct business in the United States apply for a license to sell wine in this state; and removing all resident requirements to apply for a permit to sell wine in this state”; to the Committee on the Judiciary then Finance.

By Delegates Campbell, Paynter, R. Thompson, Hornbuckle, Lavender-Bowe, Pack, Skaff, C. Thompson and Evans:

H. B. 2917 - “A Bill to amend and reenact §18A-4-7a of the Code of West Virginia, 1931, as amended, relating to classroom teachers retaining seniority regardless of transfer to another county and classroom teachers subject to termination by reduction in workforce are permitted to retain any

seniority accrued prior to termination if a position in any county that accrues seniority is secured within two years”; to the Committee on Education.

By Delegates Campbell, Lavender-Bowe, Caputo, Boggs, Hornbuckle, R. Thompson, Skaff, Evans, Longstreth and Canestraro:

H. B. 2918 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-4-22, relating to imposing an additional assessment on certain real property; and requiring the additional tax be transferred into the Public Employees Insurance Agency Stability Fund”; to the Committee on Finance.

By Delegates Barrett, Householder, Dean, Hornbuckle, Westfall, Rohrbach, Bibby, Campbell, Doyle, S. Brown and C. Thompson:

H. B. 2919 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-48; and to amend and reenact §18-9A-2 of said code, all relating to establishing an Education Employees Fund; requiring county school boards to establish a fund; specifying purpose of expenditures from the fund; and allocating a portion of revenue from county levies”; to the Committee on Education.

By Delegates Doyle, Hornbuckle, S. Brown, Pushkin and Evans:

H. B. 2920 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new articles, designated §15-2F-1, §15-2F-2, §15-2F-3, §15-2F-4, §15-2F-5, §15-2F-6, §15-2F-7, §15-2F-8, §15-2F-9 and §15-2F-10; and §15-2G-1, §15-2G-2, §15-2G-3, §15-2G-4, §15-2G-5, §15-2G-6, §15-2G-7, §15-2G-8, §15-2G-9, §15-2G-10, §15-2G-11, §15-2G-12 and §15-2G-13, all relating to creating state and local law-enforcement review boards; members; complaint procedures; jurisdiction; disposition of complaint; final action; abrogation of rights; procedures for suspension and dismissal; procedural requirements; records and public disclosure; rules of procedure; and reports of the boards”; to the Committee on the Judiciary.

By Delegates Campbell, R. Thompson, Skaff, C. Thompson, Evans and Longstreth:

H. B. 2921 - “A Bill to amend and reenact §18-7A-13a of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-2-3 of said code, all relating to authorization for county boards of education to hire retired teachers to work in areas of critical need and shortage as substitute teachers; extending the authority to 2021; and clarifying that retired teachers working under the program will continue to receive retirement benefits”; to the Committee on Education.

By Delegates Barrett, S. Brown and Canestraro:

H. B. 2922 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-407a, relating to authorizing a court to require participation and successful completion of a drug court program or drug treatment program in order for a defendant, pleading or being found guilty of possession of a controlled substance which is or contains a controlled substance listed in §60A-2-204 of this code, other than marijuana, or a controlled substance listed in §60A-2-206, §60A-2-208, or §60A-2-210 containing an opioid or opiate to qualify for a final order of discharge and dismissal”; to the Committee on the Judiciary.

By Delegates Jennings, J. Kelly, Graves, Kessinger, Cooper, J. Jeffries, Hanna, Mandt, Cadle and Hardy:

H. B. 2923 - “A Bill to amend and reenact §29-12-2, §29-12-3, §29-12-4, and §29-12-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-12-5d, all relating to reforming the practice of securing state insurance; reasserting the sovereign immunity of the State of West Virginia and the qualified immunity of its officers and employees as to any damages in excess of state insurance; providing for the process by which settlement of claims be approved; limiting attorney fees in instances of settlement of claims against

state insurance or entry of final judgment for a claimant; establishing the extent of the amount of the state's insurance coverage; establishing term limits for members of the state board of risk and insurance management; providing that the Insurance Commissioner submits the report of the board's activities and providing for certain information to be contained in the report; providing that appointed members of the board of risk and insurance management serve at the pleasure of the Governor; clarifying that the director of the Board of Insurance and Risk Management shall hold no other employment; requiring any person who files a claim against the state which is subject to state insurance to reimburse the state for its costs of defense in the event a verdict is entered for the state; and limiting attorney fees in settlement of claims"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Howell, Pack, C. Martin, Hamrick and Graves:

H. B. 2924 - "A Bill to amend and reenact §5B-2I-4 of the Code of West Virginia, 1931, as amended, relating to permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website to promote in-state tourism and to raise capital for technological improvements to the website; permitting 50 percent of the funds from such sale to be deposited into the Tourism Promotion Fund; and permitting 50 percent of the fund from such sale be remitted to the Division of Highways pursuant to the contract"; to the Committee on Government Organization.

By Delegates Rowe, Robinson and Estep-Burton:

H. B. 2925 - "A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to changing the title of the Commissioner of Culture and History to the Curator of Arts, Culture, and History; and to increase the salary of the Curator to \$95,000"; to the Committee on Government Organization then Finance.

By Delegates Rowe, Longstreth, Robinson, Estep-Burton, Pyles, Queen, Westfall, Bates, McGeehan, Evans and Miller:

H. B. 2926 - "A Bill to amend and reenact §9A-2-1 of the Code of West Virginia, 1931, as amended, relating to requiring the Secretary of the Department of Veterans' Affairs to study the housing needs of veterans; and requiring a report"; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

By Delegates Miley, Householder, Cowles, Longstreth, Sponaugle, Westfall, Walker, Queen, S. Brown, Hansen and Bates:

H. B. 2927 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to establishing a tax credit for a taxpayer family member of a child in the custody of the taxpayer due to the addiction of one or both parents; providing criteria for eligibility; and directing promulgation of rules by the Tax Commissioner"; to the Committee on Finance.

By Delegates Foster, P. Martin and Criss:

H. B. 2928 - "A Bill to amend and reenact §29A-1-3 of the Code of West Virginia, 1931, as amended, relating to the Public Service Commission; eliminating the commissions exemption from rulemaking requirements in Chapter 29A"; to the Committee on Government Organization then the Judiciary.

By Delegates Howell, Pack, C. Martin and Hamrick:

H. B. 2929 - "A Bill to amend and reenact §5B-2I-4 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Tourism Office to enter into an agreement with the Division of Highways to provide staff at the welcome centers and highway rest areas and to create

displays promoting in state tourism at the welcome centers and rest areas”; to the Committee on Government Organization.

By Delegates Miley, Barrett, Caputo, Diserio and Robinson:

H. B. 2930 - “A Bill to amend and reenact §17C-14-9a of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-15-26 of said code; and to amend and reenact §24A-2-2b of said code, all related to emergency vehicles; increasing penalties for failure to use due caution when approaching an emergency vehicle while using emergency signals; authorizing the use of red flashing lights by tow trucks and wreckers; and providing that Public Service Commission publish guidelines for use of certain safety equipment and a fee schedule for use of secondary vehicle”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Summers:

H. B. 2931 - “A Bill to amend and reenact §29-22-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-10-1 of said code, all relating to nonlottery games, clarifying that the State Lottery Commission has no authority over nonlottery games, and clarifying that criminal penalties only extend to gaming tables and devices which involve consideration, prize and chance”; to the Committee on the Judiciary.

By Delegates Barrett and Householder:

H. B. 2932 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-20-1a; to amend and reenact §47-20-2, §47-20-3, §47-20-5a, §47-20-6, and §47-20-6a of said code; to amend said code by adding thereto a new section designated §47-21-1a; to amend and reenact §47-21-2, §47-21-4, §47-21-7, §47-21-15, §47-21-20, and §47-21-28 of said code; to amend said code by adding thereto a new section designated §47-23-1a; and to amend and reenact §47-23-2, §47-23-7, §47-23-7a, §47-23-8, and §47-23-11 of said code, all relating to transferring regulation and licensing of charitable bingo, charitable raffles, and charitable raffle boards and games from the State Tax Department to the State Lottery Commission”; to the Committee on Government Organization.

By Delegate Shott:

H. B. 2933 - “A Bill to amend and reenact §61-8D-3 of the Code of West Virginia, 1931, as amended, relating to modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse resulting in injury and child abuse or neglect creating risk of injury”; to the Committee on the Judiciary.

By Delegates Barrett, Householder, Westfall, Bates, Graves, Fluharty, Criss, Sponaugle, Williams, Skaff and Storch:

H. B. 2934 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-22E-1, §29-22E-2, §29-22E-3, §29-22E-4, §29-22E-5, §29-22E-6, §29-22E-7, §29-22E-8, §29-22E-9, §29-22E-10, §29-22E-11, §29-22E-12, §29-22E-13, §29-22E-14, §29-22E-15, §29-22E-16, §29-22E-17, §29-22E-18, §29-22E-19, §29-22E-20, §29-22E-21, §29-22E-22, §29-22E-23, and §29-22E-24, all relating to permitting interactive wagering authorized as West Virginia Lottery interactive wagering activities; providing legislative findings; defining terms; detailing duties and powers of the West Virginia Lottery Commission; providing rule-making authority and emergency rule-making authority; requiring commission to levy and collect all fees, surcharges, civil penalties, and weekly tax on adjusted gross interactive wagering receipts and deposit them into the West Virginia Lottery Interactive Wagering Fund; limiting interactive wagering to existing racetrack casinos and the casino in a historic resort hotel; providing for four types of licenses to be issued related to sports betting; establishing license requirements and prohibitions; authorizing licensing fees; requiring adoption and posting of house rules; defining duties of an operator conducting interactive wagering; requiring the posting of betting limits; authorizing interactive wagering

agreements with other governments; providing powers and duties of commission and operators; limiting certain activities of employees; authorizing the West Virginia Lottery to levy and collect a privilege tax in the amount of 10 percent of adjusted gross interactive wagering receipts; requiring reports and submission of taxes; providing for certain carry over and carry back allowances; clarifying that tax is in lieu of certain other taxes; providing that certain expenditures related to interactive wagering are facility modernization improvements eligible for recoupment; providing that credits are not allowed against the privilege tax; creating the West Virginia Lottery Interactive Wagering Fund; authorizing the West Virginia Lottery to collect an administrative allowance from gross interactive wagering receipts; providing for distribution of moneys deposited in the West Virginia Lottery Interactive Wagering Fund; authorizing certain agreements between the West Virginia Lottery and law enforcement; imposing civil penalties for certain violations, and exception; prohibiting unauthorized interactive wagering in this state; establishing crimes related to unauthorized interactive wagering and imposing criminal penalties; establishing crimes related to authorized interactive wagering and imposing criminal penalties; preempting provisions from state and local law; and establishing certain exemptions from federal law”; to the Committee on the Judiciary then Finance.

By Delegates Miley, C. Thompson, Rowe, Walker and Rohrbach:

H. B. 2935 - “A Bill to amend and reenact §17B-2B-3, §17B-2B-4, §17B-2B-5, and §17B-2B-7 of the Code of West Virginia, 1931, as amended, all relating to licensing of drivers utilizing bioptic telescopic devices”; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Pushkin, Rodighiero, Evans, Zukoff, Hill, Dean and Hornbuckle:

H. B. 2936 - “A Bill to amend and reenact §16A-6-13 of the Code of West Virginia, 1931, as amended, relating to medical cannabis organizations; permitting a grower to be a processor and a processor to be a grower; allowing growers and processors to be dispensaries; and permitting dispensaries to be growers and processors”; to the Committee on the Judiciary.

By Delegate Cowles:

H. B. 2937 - “A Bill to amend and reenact §38-14-4 of the Code of West Virginia, 1931, as amended, relating to increasing fees for late payment of self-storage rental fees”; to the Committee on Finance.

By Delegates Hanna, Toney and C. Martin:

H. B. 2938 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-42; to amend said code by adding thereto a new article designated §18-21A-1, §18-21A-2, §18-21A-3, §18-21A-4, §18-21A-5, §18-21A-6 and §18-21A-7; and to amend said code by adding thereto a new article, designated §18-33-1 and §18-33-2, all relating to vocational and technical education programs; requiring the State Board and Commerce Department to create lists of apprenticeships and certifications and credentials to provide to students; creating a career and technical education pilot program to introduce middle school students career and technical education opportunities in the state and requiring county school districts to provide certain information to students; establishing the Governor’s Workforce Credential; establishing requirements for the Governor’s Workforce Credential; and mandating graduation recognition for recipients of credential”; to the Committee on Education.

By Delegates Caputo, Boggs, Maynard, Pethel, Longstreth, Sponaule, Hartman, Williams, Angelucci, Lovejoy and Staggers:

H. B. 2939 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto seven new sections designated §21-1E-1, §21-1E-2, §21-1E-3, §21-1E-4, §21-1E-5, §21-1E-6, and §21-1E-7, all relating to saving West Virginia call center jobs remaining in this state; providing for a short title; providing for definitions; providing for creation of a list of call centers that move overseas; providing for ineligibility for state grants or guaranteed loans; providing for in-state procurement;

providing for state benefits to workers; providing for an effective date; and providing severability”; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

By Delegates Storch, D. Kelly, Howell, Miller, Steele and Canestraro:

H. B. 2940 - “A Bill to amend and reenact §62-1D-6, §62-1D-8 and 62-1D-9 of the Code of West Virginia, 1931, as amended, all relating to admissibility of evidence; including the crimes of treason, first and second degree murder, first degree robbery, and participation in an organized criminal enterprise to the list of crimes for which a prosecutor may apply for a court order authorizing interception of communications”; to the Committee on the Judiciary.

By Delegates Graves, Higginbotham, Kessinger, Summers, Barrett, Lavender-Bowe, Storch, Steele and Queen:

H. B. 2941 - “A Bill to amend and reenact §11-13X-3, §11-13X-4, §11-13X-5, §11-13X-6, §11-13X-8, §11-13X-11, §11-13X-12, and §11-13X-13 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Film Industry Investment Act; reinstating the film investment tax credit; providing the coordination and management by the West Virginia Development Office; excluding short-term depreciation from credit; raising the minimum threshold of expenditures to qualify for credit; establishing an annual limit in credits available; requiring the Development Office to develop a database of locations, music, and other resources to be made available to film production teams; establishing a coordinator position; requiring state agencies to solicit bids from West Virginia vendors for film or video projects; and making technical corrections throughout”; to the Committee on Finance.

By Delegates Cadle, Cooper, Hardy, Paynter, Staggers, Westfall, Howell, Pack, Azinger, Wilson and Waxman:

H. B. 2942 - “A Bill to amend and reenact §17B-2-8 of the Code of West Virginia, 1931, as amended, relating to the contents of driver’s license; and requiring that each license contain the license holder’s emergency contact information”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Hansen, Walker, Skaff, Estep-Burton, Byrd, Pushkin, Fleischauer, Pyles, Williams, Steele and Robinson:

H. B. 2943 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-8-6b, relating to allowing a wine specialty shop to deliver wine purchased at the shop without obtaining a direct shippers license under certain circumstances”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

By Delegates Fleischauer, Jennings, Angelucci, Pyles, Williams, D. Kelly, Sypolt, Miley, Walker, Hansen and Hamrick:

H. B. 2944 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-25, relating to paving contracts; requiring the Commissioner of Highways to establish a pilot project in Division of Highways District 4 to evaluate alternate terms in paving contracts; requiring annual reports”; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Miley, Caputo, Lavender-Bowe, Householder, Nelson and Bates:

H. B. 2945 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2-17, relating to vendors paying a single annual fee for a permit issued by a local health department; providing that any permit fee is only required to be paid for the initial permit; and providing that any subsequent permits issued that year, by that or other local health department, the fee is waived”; to the Committee on Finance.

By Delegates Criss, Hill, Wilson, Dean, Boggs, Harshbarger, J. Kelly, D. Kelly, Foster, Phillips and Cadle:

H. B. 2946 - "A Bill to amend and reenact §8-12-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-16-18 of said code; to amend and reenact §8-19-4 of said code; to amend and reenact §8-20-10 of said code; to amend and reenact §16-13-16 of said code; to amend and reenact §16-13A-9 of said code; to amend and reenact §24-1-1 of said code; to amend and reenact §24-2-1, §24-2-2, §24-2-3, §24-2-4a, §24-2-4b, and §24-2-11 of said code, all relating to clarifying Public Service Commission jurisdiction over water and sewer utilities owned by political subdivisions; establishing uniformity in the class of publications required by municipalities and public service districts for the revision in rates; providing a time period for the filing of and resolution of complaints filed at the Public Service Commission regarding actions of municipalities; cleaning up language regarding reference to other sections of the code regarding notice requirements for municipal utilities; and regarding the time period pertaining to the filing of appeals and the resolution of the appeals for rate and construction projects decided by county commissions"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Steele, Pack, Rohrbach and Atkinson:

H. B. 2947 - "A Bill to amend and reenact §30-3-13a of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-14-12d of said code, all relating generally to telemedicine prescription practice requirements and exceptions; allowing for physician submitted Schedule II telemedicine prescriptions for immediate administration in a hospital"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Westfall:

H. B. 2948 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-37-1, §19-37-2, §19-37-3, §19-37-4 and §19-37-5, all relating to creating the West Virginia Agriculture Investment Fund and the West Virginia Agriculture Investment Program; setting forth legislative findings; defining terms; establishing fund; and providing for rules"; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates Linville, Higginbotham, Harshbarger, D. Kelly, Hill, Cadle, Toney, Howell, Paynter and Cooper:

H. B. 2949 - "A Bill to amend and reenact §17B-2-6 of the Code of West Virginia, 1931, as amended, relating to requiring applications for an instruction permit or a driver's license desires to contain an option for contributions to the West Virginia Department of Veterans Assistance in the following amounts: \$3, \$5, \$10, and a fourth option left blank so that a contribution in another amount may be made by the applicant"; to the Committee on Technology and Infrastructure then Finance.

By Delegates Barrett, Hardy, Householder, Sponaugle and Williams:

H. B. 2950 - "A Bill to amend and reenact §16-2-14 of the Code of West Virginia, 1931, as amended, relating to employees of local boards of health; making legislative findings; requiring the Legislature to provide funds to Department of Health and Human Resources to provide local boards of health funds for pay raises for employees when the Legislature provides funds for across-the-board pay raises for state employees; limiting Department of Health and Human Resources from using provided funds for any other purpose; requiring annual funding to continue pay raises; and prohibiting Department of Health and Human Resources from placing additional restrictions or obligations on provided funds"; to the Committee on Finance.

By Delegates Howell, Pack, C. Martin, D. Jeffries, Ellington, Staggers, Hill and Hansen:

H. B. 2951 - "A Bill to amend and reenact §30-1-1 of the Code of West Virginia, 1931, as amended; to repeal §30-2-1, §30-2-2, §30-2-3, §30-2-4, §30-2-5, §30-2-5a, §30-2-6, §30-2-7, §30-2-8, §30-3-9, §30-2-10, §30-2-11, §30-2-12, §30-2-13, §30-2-14, §30-2-15 and §30-2-16 and redesignate as §30A-1-

1, §30A-1-2, §30A-1-3, §30A-1-4, §30A-1-5, §30A-1-6, §30A-1-7, §30a-1-8, §30A-1-9, §30A-1-10, §30A-1-11, §30A-1-12, §30A-1-13, §30A-1-14, §30A-1-15, §30A-1-16, and §30A-1-17; to repeal §30-6-1, §30-6-2, §30-6-3, §30-6-4, §30-6-5, §30-6-6, §30-6-7, §30-6-8, §30-6-9, §30-6-10, §30-6-11, §30-6-12, §30-6-13, §30-6-14, §30-6-15, §30-6-16, §30-6-17, §30-6-16, §30-6-19, §30-6-20, §30-6-21, §30-6-22, §30-6-23, §30-6-24, §30-6-22, §30-6-26, §30-6-27, §30-6-28, §30-6-29, §30-6-30, and §30-6-31 and redesignate as §30A-2-1, §30A-2-3, §30A-2-4, §30A-2-5, §30A-2A-6, §30A-2-7, §30A-2-8, §30A-2-9, §30A-2-10, §30A-2-11, §30A-2-12, §30A-2-13, §30A-2-14, §30A-2-15, §30A-2-16, §30A-2-17, §30A-2-16, §30A-2-19, §30A-2-20, §30A-2-21, §30A-2-22, §30A-2-23, §30A-2-24, §30A-2-25, §30A-2-26, §30A-2-27, §30A-2-28, §30A-2-29, §30A-2-30, and §30A-2-31; to repeal §30-9-1, §30-9-2, §30-9-3, §30-9-4, §30-9-5, §30-9-6, §30-9-7, §30-9-8, §30-9-9, §30-9-10, §30-9-11, §30-9-12, §30-9-13, §30-9-14, §30-9-15, §30-9-16, §30-9-17, §30-9-16, §30-9-19, §30-9-20, §30-9-21, §30-9-22, §30-9-23, §30-9-24, §30-9-25, §30-9-26, §30-9-27, §30-9-28, §30-9-29, §30-9-30, §30-9-31, §30-9-33 and §30-9-34 and redesignate as §30A-3-1, §30A-3-2, §30A-3-3, §30A-3-4, §30A-3-5, §30A-3-6, §30A-3-7, §30A-3-8, §30A-3-9, §30A-3-10, §30A-3-11, §30A-3-12, §30A-3-13, §30A-3-14, §30A-3-15, §30A-3-16, §30A-3-17, §30A-3-18, §30A-3-19, §30A-3-20, §30A-3-21, §30A-3-22, §30A-3-23, §30A-3-24, §30A-3-25, §30A-3-26, §30A-3-27, §30A-3-28, §30A-3-29, §30A-3-30, §30A-3-31, §30A-3-33, and §30A-3-34; to repeal §30-12-1, §30-12-2, §30-12-3, §30-12-4, §30-12-5, §30-12-6, §30-12-7, §30-12-8, §30-12-9, §30-12-10, §30-12-11, §30-12-11a, §30-12-12, §30-12-13, and §30-12-14 and redesignate as §30A-4-1, §30A-4-2, §30A-4-3, §30A-4-4, §30A-4-5, §30A-4-6, §30A-4-7, §30A-4-8, §30A-4-9, §30A-4-10, §30A-4-11, §30A-4-11a, §30A-4-12, §30A-4-13, and §30A-4-14; to repeal §30-13-1, §30-13-2, §30-13-3, §30-13-4, §30-13-5, §30-13-6, §30-13-7, §30-13-8, §30-13-9, §30-13-10, §30-13-11, §30-13-12, §30-13-13, §30-13-13a, §30-13-14, §30-13-15, §30-13-16, §30-13-17, §30-13-18, §30-13-19, §30-13-20, §30-13-21, §30-13-22, §30-13-23, and §30-13-24 and redesignate as §30A-5-1, §30A-5-2, §30A-5-3, §30A-5-4, §30A-5-5, §30A-5-6, §30A-5-7, §30A-5-8, §30A-5-9, §30A-5-10, §30A-5-11, §30A-5-12, §30A-5-13, §30A-5-13a, §30A-5-14, §30A-5-15, §30A-5-16, §30A-5-17, §30A-5-18, §30A-5-19, §30A-5-20, §30A-5-21, §30A-5-22, §30A-5-23, and §30A-5-24 ; to repeal §30-13A-1, §30-13A-2, §30-13A-3, §30-13A-4, §30-13A-5, §30-13A-6, §30-13A-7, §30-13A-8, §30-13A-9, §30-13A-10, §30-13A-11, §30-13A-12, §30-13A-13, §30-13A-14, §30-13A-15, §30-13A-16, §30-13A-17, §30-13A-18, §30-13A-19, §30-13A-20, §30-13A-21, §30-13A-22, §30-13A-23, §30-13A-24, and §30-13A-25, and redesignate as §30A-6-1, §30A-6-2, §30A-6-3, §30A-6-4, §30A-6-5, §30A-6-6, §30A-6-7, §30A-6-8, §30A-6-9, §30A-6-10, §30A-6-11, §30A-6-12, §30A-6-13, §30A-6-14, §30A-6-15, §30A-6-16, §30A-6-17, §30A-6-16, §30A-6-19, §30A-6-20, §30A-6-21, §30A-6-22, §30A-6-23, §30A-6-24, and §30A-6-25; to repeal §30-18-1, §30-18-2, §30-18-3, §30-18-4, §30-18-5, §30-18-6, §30-18-7, §30-18-8, §30-18-9, §30-18-10, §30-18-11, §30-18-12, and §30-18-13 and redesignate as §30A-7-1, §30A-7-2, §30A-7-3, §30A-7-4, §30A-7-5, §30A-7-6, §30A-7-7, §30A-7-8, §30A-7-9, §30A-7-10, §30A-7-11, §30A-7-12, and §30A-7-13; to repeal §30-19-1, §30-19-2, §30-19-3, §30-19-4, §30-19-5, §30-19-6, §30-19-7, §30-19-8, §30-19-9, §30-19-10, §30-19-11, §30-19-12, §30-19-13, §30-19-14, §30-19-15, §30-19-16 and §30-19-17 and redesignate as §30A-8-1, §30A-8-2, §30A-8-3, §30A-8-4, §30A-8-5, §30A-8-6, §30A-8-7, §30A-8-8, §30A-8-9, §30A-8-10, §30A-8-11, §30A-8-12, §30A-8-13, §30A-8-14, §30A-8-15, §30A-8-16, and §30A-8-17; to repeal §30-20A-1, §30-20A-2, §30-20A-3, §30-20A-4, §30-20A-5, §30-20A-6, and §30-20A-7 and redesignate as §30A-9-1, §30A-9-2, §30A-9-3, §30A-9-4, §30A-9-5, §30A-9-6, and §30A-9-7; to repeal §30-22-1, §30-22-2, §30-22-3, §30-22-4, §30-22-5, §30-22-6, §30-22-7, §30-22-8, §30-22-9, §30-22-10, §30-22-11, §30-22-12, §30-22-13, §30-22-14, §30-22-15, §30-22-16, §30-22-17, §30-22-18, §30-22-19, §30-22-20, §30-22-21, §30-22-22, §30-22-23, §30-22-24, §30-22-25, §30-22-26, §30-22-27, and §30-22-28, and redesignate as §30A-10-1, §30A-10-2, §30A-10-3, §30A-10-4, §30A-10-5, §30A-10-6, §30A-10-7, §30A-10-8, §30A-10-9, §30A-10-10, §30A-10-11, §30A-10-12, §30A-10-13, §30A-10-14, §30A-10-15, §30A-10-16, §30A-10-17, §30A-10-18, §30A-10-19, §30A-10-20, §30A-10-21, §30A-10-22, §30A-10-23, §30A-10-24, §30A-10-25, §30A-10-26, §30A-10-27, and §30A-10-28, to repeal §30-25-1, §30-25-2, §30-25-3, §30-25-4, §30-25-5, §30-25-6, §30-25-7, §30-25-8, §30-25-9, §30-25-10, §30-25-11, §30-25-12, §30-25-13, §30-25-14, §30-25-15, §30-25-16, §30-25-17, and §30-25-18 and redesignate as §30A-11-1, §30A-11-2, §30A-11-3, §30A-11-4, §30A-11-5, §30A-11-

6, §30A-11-7, §30A-11-8, §30A-11-9, §30A-11-10, §30A-11-11, §30A-11-12, §30A-11-13, §30A-11-14, §30A-11-15, §30A-11-16, §30A-11-17, and 30A-11-18; to repeal §30-26-1, §30-26-2, §30-26-3, §30-26-4, §30-26-5, §30-26-6, §30-26-7, §30-26-8, §30-26-9, §30-26-10, §30-26-11, §30-26-12, §30-26-13, §30-26-14, §30-26-15, §30-26-16, §30-26-17, §30-26-18, §30-26-19, and §30-26-20 and redesignate as §30A-12-1, §30A-12-2, §30A-12-3, §30A-12-4, §30A-12-5, §30A-12-6, §30A-12-7, §30A-12-8, §30A-12-9, §30A-12-10, §30A-12-11, §30A-12-12, §30A-12-13, §30A-12-14, §30A-12-15, §30A-12-16, §30A-12-17, §30A-12-18, §30A-12-19, and §30A-12-20; to repeal §30-27-1, §30-27-2, §30-27-3, §30-27-4, §30-27-5, §30-27-6, §30-27-7, §30-27-8, §30-27-8a, §30-27-8b, §30-27-9, §30-27-10, §30-27-11, §30-27-11a, §30-27-12, §30-27-13, §30-27-14, §30-27-15, §30-27-16, §30-27-17, §30-27-18, §30-27-19, §30-27-20, §30-27-21, §30-27-22, §30-27-23, and §30-27-24 and redesignate as §30A-13-1, §30A-13-2, §30A-13-3, §30A-13-4, §30A-13-5, §30A-13-6, §30A-13-7, §30A-13-8, §30A-13-8a, §30A-13-8b, §30A-13-9, §30A-13-10, §30A-13-11, §30A-13-11a, §30A-13-12, §30A-13-13, §30A-13-14, §30A-13-15, §30A-13-16, §30A-13-17, §30A-13-18, §30A-13-19, §30A-13-20, §30A-13-21, §30A-13-22, §30A-13-23, and §30A-13-24; to repeal §30-29-1, §30-29-2, §30-29-3, §30-29-4, §30-29-5, §30-29-6, §30-29-7, §30-29-8, §30-29-9, §30-29-10, §30-29-11, §30-29-12, and §30-29-13 and redesignate as §30A-14-1, §30A-14-2, §30A-14-3, §30A-14-4, §30A-14-5, §30A-14-6, §30A-14-7, §30A-14-8, §30A-14-9, §30A-14-10, §30A-14-11, §30A-14-12, and §30A-14-13; to repeal §30-30-1, §30-30-2, §30-30-3, §30-30-4, §30-30-5, §30-30-6, §30-30-7, §30-30-8, §30-30-9, §30-30-10, §30-30-11, §30-30-12, §30-30-13, §30-30-14, §30-30-15, §30-30-16, §30-30-17, §30-30-18, §30-30-19, §30-30-20, §30-30-21, §30-30-22, §30-30-23, §30-30-24, §30-30-25, §30-30-26, §30-30-27, §30-30-28, and §30-30-29 and redesignate as §30A-15-1, §30A-15-2, §30A-15-3, §30A-15-4, §30A-15-5, §30A-15-6, §30A-15-7, §30A-15-8, §30A-15-9, §30A-15-10, §30A-15-11, §30A-15-12, §30A-15-13, §30A-15-14, §30A-15-15, §30A-15-16, §30A-15-17, §30A-15-18, §30A-15-19, §30A-15-20, §30A-15-21, §30A-15-22, §30A-15-23, §30A-15-24, §30A-15-25, §30A-15-26, §30A-15-27, §30A-15-28, and §30A-15-29; to repeal §30-31-1, §30-31-2, §30-31-3, §30-31-4, §30-31-5, §30-31-6, §30-31-7, §30-31-8, §30-31-9, §30-31-10, §30-31-11, §30-31-12, §30-31-13, §30-31-14, §30-31-15, §30-31-16, and §30-31-17 and redesignate as §30A-16-1, §30A-16-2, §30A-16-3, §30A-16-4, §30A-16-5, §30A-16-6, §30A-16-7, §30A-16-8, §30A-16-9, §30A-16-10, §30A-16-11, §30A-16-12, §30A-16-13, §30A-16-14, §30A-16-15, §30A-16-16, and §30A-16-17; to repeal §30-32-1, §30-32-2, §30-32-3, §30-32-4, §30-32-5, §30-32-6, §30-32-7, §30-32-8, §30-32-9, §30-32-10, §30-32-11, §30-32-12, §30-32-13, §30-32-14, §30-32-15, §30-32-16, §30-32-17, §30-32-16, §30-32-19, §30-32-20, §30-32-21, §30-32-22, and §30-32-23 and redesignate as §30A-17-1, §30A-17-2, §30A-17-3, §30A-17-4, §30A-17-5, §30A-17-6, §30A-17-7, §30A-17-8, §30A-17-9, §30A-17-10, §30A-17-11, §30A-17-12, §30A-17-13, §30A-17-14, §30A-17-15, §30A-17-16, §30A-17-17, §30A-17-18, §30A-17-19, §30A-17-20, §30A-17-21, §30A-17-22, and §30A-17-23; to repeal §30-36-1, §30-36-2, §30-36-3, §30-36-4, §30-36-5, §30-36-6, §30-36-7, §30-36-8, §30-36-9, §30-36-10, §30-36-11, §30-36-12, §30-36-13, §30-36-14, §30-36-15, §30-36-16, §30-36-17, §30-36-18, and §30-36-19, and redesignate as §30A-18-1, §30A-18-2, §30A-18-3, §30A-18-4, §30A-18-5, §30A-18-6, §30A-18-7, §30A-18-8, §30A-18-9, §30A-18-10, §30A-18-11, §30A-18-12, §30A-18-13, §30A-18-14, §30A-18-15, §30A-18-16, §30A-18-17, §30A-18-18, and §30A-18-19; to repeal §30-37-1, §30-37-2, §30-37-3, §30-37-4, §30-37-5, §30-37-6, §30-37-7, §30-37-8, §30-37-9, §30-37-10, and §30-37-11 and redesignate as §30A-19-1, §30A-19-2, §30A-19-3, §30A-19-4, §30A-19-5, §30A-19-6, §30A-19-7, §30A-19-8, §30A-19-9, §30A-19-10, and §30A-19-11; to repeal §30-38-1, §30-38-2, §30-38-3, §30-38-4, §30-38-5, §30-38-6, §30-38-7, §30-38-8, §30-38-9, §30-38-10, §30-38-11, §30-38-12, §30-38-13, §30-38-14, §30-38-15, §30-38-16, §30-38-17, §30-38-18, and §30-38-19 and redesignate as §30A-20-1, §30A-20-2, §30A-20-3, §30A-20-4, §30A-20-5, §30A-20-6, §30A-20-7, §30A-20-8, §30A-20-9, §30A-20-10, §30A-20-11, §30A-20-12, §30A-20-13, §30A-20-14, §30A-20-15, §30A-20-16, §30A-20-17, §30A-20-18, and §30A-20-19; to repeal §30-38A-1, §30-38A-2, §30-38A-3, §30-38A-4, §30-38A-5, §30-38A-6, §30-38A-7, §30-38A-8, §30-38A-9, §30-38A-10, §30-38A-11, §30-38A-12, §30-38A-13, §30-38A-14, §30-38A-15, §30-38A-16, and §30-38A-17 and redesignate as §30A-21-1, §30A-21-2, §30A-21-3, §30A-21-4, §30A-21-5, §30A-21-6, §30A-21-7, §30A-21-8, §30A-21-9, §30A-21-10, §30A-21-11, §30A-21-12, §30A-21-13, §30A-21-14, §30A-21-15, §30A-21-16, and §30A-21-

17; and to repeal §30-39-1, §30-39-2, §30-39-3, §30-39-4, §30-39-5, §30-39-6, §30-39-7, §30-39-8, §30-39-9, §30-39-10, §30-39-11, §30-39-12, §30-39-13, §30-39-14, §30-39-15, §30-39-16, §30-39-17, §30-39-18, §30-39-19, §30-39-20, and 30-39-21 and redesignate as §30A-22-1, §30A-22-2, §30A-22-3, §30A-22-4, §30A-22-5, §30A-22-6, §30A-22-7, §30A-22-8, §30A-22-9, §30A-22-10, §30A-22-11, §30A-22-12, §30A-22-13, §30A-22-14, §30A-22-15, §30A-22-16, §30A-22-17, §30A-22-18, §30A-22-19, §30A-22-20, and 30A-22-21 to repeal §30-40-1, §30-40-2, §30-40-3, §30-40-4, §30-40-5, §30-40-6, §30-40-7, §30-40-8, §30-40-9, §30-40-10, §30-40-11, §30-40-12, §30-40-13, §30-40-14, §30-40-15, §30-40-16, §30-40-17, §30-40-18, §30-40-19, §30-40-20, §30-40-21, §30-40-22, §30-40-23, §30-40-24, §30-40-25, §30-40-26, and §30-40-27 and redesignate as §30A-23-1, §30A-23-2, §30A-23-3, §30A-23-4, §30A-23-5, §30A-23-6, §30A-23-7, §30A-23-8, §30A-23-9, §30A-23-10, §30A-23-11, §30A-23-12, §30A-23-13, §30A-23-14, §30A-23-15, §30A-23-16, §30A-23-17, §30A-23-18, §30A-23-19, §30A-23-20, §30A-23-21, §30A-23-22, §30A-23-23, §30A-23-24, §30A-23-25, §30A-23-26, and §30A-23-27; all relating to placing the regulation of non-medical professions and occupations in a new chapter 30A, leaving the regulation of all medically related professions and occupations in chapter 30 and making no substantive changes in any of these laws”; to the Committee on Government Organization.

Special Calendar

Third Reading

Com. Sub. for S. B. 240, Repealing certain legislative rules no longer authorized or are obsolete; on third reading, coming up in regular order, with amendments pending, was reported by the Clerk.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk, amending the bill on page two, after the enacting clause, by striking out the remainder of the bill and inserting the following in lieu thereof the following:

“ARTICLE 12. REPEAL OF UNAUTHORIZED AND OBSOLETE RULES.

§64-12-1. Department of Administration.

The legislative rule effective March 18, 2002, authorized under the authority of §12-3-10a of this code, relating to the Department of Administration (state Purchasing Card Program, 148 CSR 7), is repealed.

§64-12-2. Department of Environmental Protection.

(a) The legislative rule effective June 1, 1995, authorized under the authority of §22-1-3 of this code, relating to the Department of Environmental Protection (abandoned mine lands reclamation rule, 59 CSR 1), is repealed.

(b) The legislative rule effective May 10, 2001, authorized under the authority of §22-1-3 of this code, relating to the Department of Environmental Protection (certification of gas wells, 35 CSR 7), is repealed.

§64-12-3. Department of Military Affairs and Public Safety.

(a) The legislative rule effective October 8, 1994, authorized under the authority of §31-20-5(v) of this code, relating to the Regional Jail and Correctional Facility Authority (handbook of inmate rules and procedures, 94 CSR 5), is repealed.

(b) The legislative rule effective March 21, 2008, authorized under the authority of §31-20-29 of this code, relating to the Regional Jail and Correctional Facility Authority (furlough program for regional jails, 94 CSR 6), is repealed.

(c) The legislative rule effective April 28, 2014, authorized under the authority of §31-20-10(h) of this code, relating to the Regional Jail and Correctional Facility Authority (criteria and procedures for determination of projected cost per day for inmates incarcerated in regional jails operated by the authority, 94 CSR 7), is repealed.

(d) The legislative rule effective March 21, 2008, authorized under the authority of §31-20-31 of this code, relating to the Regional Jail and Correctional Facility Authority (work program for regional jail inmates, 94 CSR 8), is repealed.

(e) The legislative rule effective June 3, 1996, authorized under the authority of §31-20-9 of this code, relating to the Regional Jail and Correctional Facility Authority (West Virginia minimum standards for construction, operation, and maintenance of jails, 95 CSR 1), is repealed.

§64-12-4. Department of Tax and Revenue.

(a) The legislative rule effective May 31, 1991, authorized under the authority of §33-2-10 of this code, relating to the Insurance Commissioner (health insurance benefits for temporomandibular and craniomandibular disorders, 114 CSR 29), is repealed.

(b) The legislative rule effective April 29, 2008, authorized under the authority of §33-2-10 of this code, relating to the Insurance Commissioner (guaranteed loss ratios as applied to individual sickness and accident insurance policies, 114 CSR 31), is repealed.

(c) The legislative rule effective July 1, 2002, authorized under the authority of §33-2-10 of this code, relating to the Insurance Commissioner (external review of coverage denials, 114 CSR 58), is repealed.

(d) The legislative rule effective April 14, 2010, authorized under the authority of §33-2-10 of this code, relating to the Insurance Commissioner (mental health parity, 114 CSR 64), is repealed.

(e) The legislative rule effective May 6, 2005, authorized under the authority of §33-2-10 of this code, relating to the Insurance Commissioner (small employer eligibility requirements, 114 CSR 73), is repealed.

§64-12-5. Department of Transportation.

The legislative rule effective April 2, 1986, authorized under the authority of §17A-2-9 of this code, relating to the Division of Motor Vehicles (eligibility for reinstatement following suspension or revocation of driving privileges, 91 CSR 16), is repealed.

§64-12-6. Miscellaneous agencies, boards, and commissions.

The legislative rule effective July 1, 2013, authorized under the authority of §30-30-6 of this code, relating to the Board of Social Work Examiners (applications, 25 CSR 4), is repealed.

§64-12-7. Bureau of Commerce.

(a) The legislative rule effective April 25, 1984, authorized under the authority of §21-3-18 of this code, relating to the Division of Labor (hazardous chemical substances, 42 CSR 4), is repealed.

(b) The legislative rule effective August 6, 1971, authorized under the authority of §47-5-1 of this code, relating to the Division of Labor (Safety Glazing Act, 42 CSR 13), is repealed.”

On motion of Delegate Fleischauer, the amendment recommended by the Committee on the Judiciary was amended on page two, section four, lines ten through twelve, by striking out subsection (d) in its entirety, and re-lettering the subsequent subsection accordingly.

And,

On page three, section seven, lines one through three, by striking out subsection (a) in its entirety, and re-lettering the subsequent subsection accordingly.

The Judiciary Committee amendment, as amended, was then adopted.

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 99**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Rowe.

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 240) passed.

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

Com. Sub. for S. B. 240 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §64-12-1, §64-12-2, §64-12-3, §64-12-4, §64-12-5, §64-12-6, and §64-12-7, all relating generally to repealing certain legislative rules promulgated by certain agencies, boards, and commissions which are no longer authorized or are obsolete; authorizing certain agencies and commissions under the Department of Administration, Department of Environmental Protection, Department of Military Affairs and Public Safety, Department of Tax and Revenue, Department of Transportation, miscellaneous agencies, boards, and commissions, and the Bureau of Commerce to repeal certain legislative rules; repealing the Department of Administration legislative rule relating to the state Purchasing Card Program; repealing the Department of Environmental Protection legislative rule relating to abandoned mine lands reclamation; repealing the Department of Environmental Protection legislative rule relating to certification of gas wells; repealing the Regional Jail and Correctional Facility Authority legislative rule relating to handbook of inmate rules and procedures; repealing the Regional Jail and Correctional Facility Authority legislative rule relating to furlough program for regional jails; repealing the Regional Jail and Correctional Facility Authority legislative rule relating to criteria and procedures for determination of projected cost per day for inmates incarcerated in regional jails operated by the authority; repealing the Regional Jail and Correctional Facility Authority legislative rule relating to work program for regional jail inmates; repealing the Regional Jail and Correctional Facility Authority legislative rule relating to West Virginia minimum standards for construction, operation, and maintenance of jails; repealing the Insurance Commission legislative rule relating to health insurance benefits for temporomandibular and craniomandibular disorders; repealing the Insurance Commission legislative rule relating to guaranteed loss ratios as applied to individual sickness and accident insurance policies; repealing the Insurance Commission legislative rule relating to external review of coverage denials; repealing the Insurance Commission legislative rule relating to small employer eligibility requirements;

repealing the Division of Motor Vehicles legislative rule relating to eligibility for reinstatement following suspension or revocation of driving privileges; repealing the Board of Social Work Examiners legislative rule relating to applications; and repealing the Division of Labor legislative rule relating to the Safety Glazing Act.”

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

On this question, the yeas and nays were taken (**Roll No. 100**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and 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 S. B. 240) 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.

S. B. 354, Expiring funds to balance of Auditor’s Office - Chief Inspector’s Fund; 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. 101**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 354) passed.

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

On this question, the yeas and nays were taken (**Roll No. 102**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and 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. 354) takes effect from its passage.

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

Com. Sub. for H. B. 2392, Allowing the Alcohol Beverage Control Commissioner to issue special one-day licenses for charitable events; 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. 103**), and there were—yeas 90, nays 6, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Azinger, Fast, Hollen, D. Jeffries, Porterfield and Worrell.

Absent and Not Voting: Byrd, Caputo, Ellington 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. 2392) 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. 2528, Relating to employees of the Commissioner of Agriculture; on third reading, coming up in regular order, was, on motion of Delegate Summers, laid upon the table.

Com. Sub. for H. B. 2545, Exempting recipients of the distinguished Purple Heart medal from payment of the vehicle registration fee; on third reading, coming up in regular order, was read a third time.

Delegate Wilson requested to be excused from voting on the passage of Com. Sub. for H. B. 2545 under the provisions of House Rule 49.

The Speaker replied the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 104**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington 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. 2545) 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. 2546, Excluding from tax equipment installed in a motor vehicle for use of a person with a medical necessity; 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. 105**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2546) 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. 2554, Relating to transfers and enrollment policies for students in public schools; 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. 106**), and there were—yeas 61, nays 35, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Angelucci, Bates, Boggs, N. Brown, S. Brown, Campbell, Canestraro, Diserio, Doyle, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, D. Kelly, Lavender-Bowe, Longstreth, Lovejoy, Mandt, Miley, Miller, Pethtel, Pyles, Robinson, Rodighiero, Sponaugle, Staggers, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Byrd, Caputo, Ellington 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. 2554) passed.

Delegate Summers moved that the bill take effect July 1, 2019.

On this question, the yeas and nays were taken (**Roll No. 107**), and there were—yeas 75, nays 21, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: N. Brown, S. Brown, Campbell, Canestraro, Diserio, Fleischauer, Hansen, Hartman, Lavender-Bowe, Longstreth, Lovejoy, Miller, Pethtel, Pyles, Rodighiero, Swartzmiller, C. Thompson, R. Thompson, Tomblin, Walker and Williams.

Absent and Not Voting: Byrd, Caputo, Ellington and 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. 2554) takes effect July 1, 2019.

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. 2601, Relating to the review and approval of state property leases; 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. 108**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington 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. 2601) 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. 2696, Creating an additional index system for state-owned lands; 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. 109**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2696) 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. 2737, Relating to training of State Tax Division employees; 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. 110**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington 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. 2737) 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. 2740, Barring a parent from inheriting from a child in certain instances; 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. 111**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Doyle, Ellington 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. 2740) 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. 2746, Relating to administration of estates; on third reading, coming up in regular order, with amendments pending, was reported by the Clerk.

On motion of Delegate Shott, the bill was amended on page six, section twenty-four, line sixty-nine, immediately before the words "In addition", by inserting "(d)", thus creating a new subsection.

On motion of Delegate Fast, the bill was amended on page three, section nineteen-a, line fifty-five, by deleting subdivision (5) in its entirety.

And,

On page six, section twenty-four, line fifty-eight, by deleting subdivision (5) in its entirety.

There being no further amendments, and having been engrossed, the bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 112**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2746) 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. 2759, Providing for the ancillary administration of West Virginia real estate owned by nonresidents by affidavit and without administration; 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. 113**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2759) 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. 2815, Raising the value of goods or chattels that are taken in a larceny to constitute grand larceny; 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. 114**), and there were—yeas 90, nays 6, absent and not voting 4, with the nays and absent and not voting being as follows:

Nays: Howell, J. Jeffries, C. Martin, P. Martin, Pack and Phillips.

Absent and Not Voting: Byrd, Caputo, Ellington and Kump.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2815) 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. 267, Requiring State Board of Education adopt policy detailing level of computer science instruction; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2365, Clarifying the definition of an employee for the purposes of unemployment compensation and workers' compensation; 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. 2468, Department of Agriculture Capital Improvements Fund; 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. 2583, Family Planning Access Act; 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. 2661, Relating to natural gas utilities; 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. 2809, Relating to prohibited acts and penalties in the Hatfield-McCoy Recreation Area; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page three, section eight, line fifty- six, by striking out the words "not less than".

And,

On page three, section eight, line sixty-one, by striking out the words "not less than".

The bill was then ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 2330, Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter,

Com. Sub. for H. B. 2405, Imposing a healthcare related provider tax on certain health care organizations,

H. B. 2415, Requiring the State Board of Education to adopt a policy detailing the appropriate level of computer science instruction,

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

Com. Sub. for H. B. 2734, Relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities,

And,

Com. Sub. for H. B. 2813, Relating generally to collection of use tax.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Byrd, Caputo, Ellington and Kump.

Miscellaneous Business

Pursuant to House Rule 132, consent was requested and obtained to print the following in the Appendix to the Journal:

- Remarks of Delegate Miller during Remarks by Members
- The prayer today by Rabbi Victor Urecki

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

- Delegate Porterfield for H. B. 2338, H. B. 2690 and H. B. 2909
- Delegates Angelucci, Diserio, Estep-Burton, Hansen, Pushkin, Rohrbach, Rowe and Walker for H. B. 2341
- Delegate Wilson for H. B. 2801
- Delegate Lovejoy for H. B. 2173, H. B. 2887 and H. B. 2902
- Delegate Campbell for H. B. 2935
- Delegate Doyle for H. B. 2941
- Delegate Longstreth for H. B. 2950

Pursuant to House Rule 94b, Delegate Sypolt filed a form with the Clerk's Office to be removed as a cosponsor of the H. B. 2511.

At 1:03 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 11, 2019.

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

SPECIAL CALENDAR

Monday, February 11, 2019

34th Day

11:00 A. M.

THIRD READING

- S. B. 267 - Requiring State Board of Education adopt policy detailing level of computer science instruction (HAMRICK) (REGULAR)
- Com. Sub. for H. B. 2365 - Clarifying the definition of an employee for the purposes of unemployment compensation and workers' compensation (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2468 - Department of Agriculture Capital Improvements Fund (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2583 - Family Planning Access Act (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2661 - Relating to natural gas utilities (ANDERSON) (REGULAR)
- Com. Sub. for H. B. 2809 - Relating to prohibited acts and penalties in the Hatfield-McCoy Recreation Area (SHOTT) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2330 - Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2405 - Imposing a healthcare related provider tax on certain health care organizations (HOUSEHOLDER) (REGULAR)
- H. B. 2415 - Requiring the State Board of Education to adopt a policy detailing the appropriate level of computer science instruction (HAMRICK) (REGULAR)
- Com. Sub. for H. B. 2674 - Creating a student loan repayment program for a mental health provider (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2734 - Relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 2813 - Relating generally to collection of use tax (HOUSEHOLDER) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 18 - Relating to crimes committed on State Capitol Complex (SHOTT) (REGULAR)
- Com. Sub. for S. B. 61 - Adding certain crimes for which prosecutor may apply for wiretap (JUDICIARY COMMITTEE AMENDMENT PENDING) (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2109 - Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2609 - Relating to presumptions of abandonment and indication of ownership in property (SHOTT) (REGULAR)
- H. B. 2647 - Self Storage Limited License Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2720 - Authorizing certain investigators and first responders to carry firearms (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2761 - Modernizing the self-service storage lien law (SHOTT) (JULY 1, 2019)
- H. B. 2878 - Relating to updating the controlled substances listed on schedule one (ELLINGTON) (REGULAR)

HOUSE CALENDAR

Monday, February 11, 2019

34th 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**

MONDAY, FEBRUARY 11, 2019

HOUSE CONVENES AT 11:00 A.M.

**PUBLIC HEARING
COMMITTEE ON FINANCE
8:00 A.M. – HOUSE CHAMBER
COM. SUB. FOR S. B. 451, COMPREHENSIVE EDUCATION REFORM.**

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

**COMMITTEE ON GOVERNMENT ORGANIZATION
10:00 A.M. – ROOM 215E**

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

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

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

**PUBLIC HEARING
COMMITTEE ON THE JUDICIARY
2:00 P.M. – HOUSE CHAMBER
H. B. 2519, THE CAMPUS SELF DEFENSE ACT.**

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

**PUBLIC HEARING
COMMITTEE ON FINANCE
5:30 P.M. – HOUSE CHAMBER
COM. SUB. FOR S. B. 451, COMPREHENSIVE EDUCATION REFORM.**

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