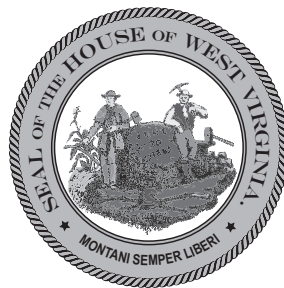


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Fourth Legislature
First Regular Session

Held at Charleston
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February 27, 2019
FIFTIETH DAY

Wednesday, February 27, 2019

FIFTIETH DAY

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates met at 11:00 a.m., and was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Tuesday, February 26, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Capito, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 26th day of February, 2019, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

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

And,

Com. Sub. for H. B. 2607, Relating to the licensure of nursing homes.

Delegate Capito, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 26th day of February, 2019, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

H. B. 2666, Supplemental appropriation to the Department of Veterans' Assistance,

And,

H. B. 2668, Supplemental appropriation to the Department of Administration, Public Defender Services.

Delegate Capito, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 26th day of February, 2019, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

Com. Sub. for H. B. 2324, Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy.

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

Your Committee on Political Subdivisions has had under consideration:

Com. Sub. for S. B. 241, Permitting county court clerks scan certain documents in electronic form,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 241) was referred to the Committee on Government Organization.

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

Your Committee on Political Subdivisions has had under consideration:

S. B. 24, Relating generally to local boards of health,

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

In accordance with the former direction of the Speaker, the bill (S. B. 24) was referred to the Committee on Finance.

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

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

Com. Sub. for S. B. 369, Relating to generic drug products,

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 (Com. Sub. for S. B. 369) 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:

Com. Sub. for S. B. 641, Relating to Primary Care Support Program,

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

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

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

S. B. 519, Requiring county emergency dispatchers complete course for telephonic cardiopulmonary resuscitation,

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

In accordance with the former direction of the Speaker, the bill (S. B. 519) was referred to the Committee on Finance.

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

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

Com. Sub. for S. B. 310, Establishing certain requirements for dental insurance,

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

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

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

Com. Sub. for S. B. 60, Licensing practice of athletic training,

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

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

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

Com. Sub. for S. B. 345, Relating to fire service equipment and training funds for VFDs,

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 (Com. Sub. for S. B. 345) was referred to the Committee on Finance.

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

Com. Sub. for S. B. 14, Creating WV Farm-to-School Grant Program,

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 14) was referred to the Committee on Finance.

Delegate Hollen, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

S. B. 617, Relating to method of payment to Municipal Pensions Security Fund.

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

In accordance with the former direction of the Speaker, the bill (S. B. 617) was referred to the Committee on Finance.

Delegate Hollen, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

Com. Sub. for S. B. 316, Preserving previously approved state Municipal Policemen's or Firemen's pensions.

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 (Com. Sub. for S. B. 316) was referred to the Committee on Finance.

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

Com. Sub. for S. B. 344, Relating to operation of state-owned farms.

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for S. B. 344) was referred to the Committee on Government Organization.

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. 248 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-4A-1, §7-4A-2, §7-4A-3, §7-4A-4, §7-4A-5, §7-4A-6, §7-4A-7, and §7-4A-8, all relating to creating the Prosecuting Attorney's Detectives Act; providing a short

title; making legislative findings; providing for law-enforcement titles; setting forth the duties and powers of prosecuting attorney's detectives; providing for compensation of prosecuting attorney's detectives; permitting prosecuting attorneys to hire detectives; establishing arrest power of prosecuting attorney's detectives; setting forth requirements; limiting off-duty employment; and providing miscellaneous provisions"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 249 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §44-1-6a, relating to the administration of estates and trusts; creating a limited letter of administration that may be issued for estates that do not exceed the value of \$2,000; establishing procedures and responsibilities relating to a limited letter of administration; providing for a cause of action for parties affected by an applicant's failure to carry out distribution as stated in the application; and providing for a \$50 fee for each application regardless of whether the clerk issues a limited letter of administration"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 329 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-8g, relating to agricultural education in high schools; setting forth findings; encouraging agricultural programs be made available to high school students; requiring State Department of Education to assist in establishing agricultural programs in certain instance; and requiring report to Legislative Oversight Commission on Education Accountability when funding is the primary reason that an agricultural program is not established"; which was referred to the Committee on Education then Finance.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect July 1, 2019, and requested the concurrence of the House of Delegates in the passage, of

S. B. 472 - "A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting retirement income of members of certain uniformed services from state income tax"; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

Com. Sub. for S. B. 489, Relating to Pharmacy Audit Integrity Act.

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. 520 - "A Bill to amend and reenact §16-5T-3 and §16-5T-4 of the Code of West Virginia, 1931, as amended, all relating to drug overdoses; requiring entities report drug overdoses; requiring details for drug overdose reports; eliminating mandatory reporters; and making grammatical corrections"; which was referred to the Committee on Health and Human Resources.

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. 537 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-29B-31, relating to creating a workgroup to review the hospice standards in this state; designating members of workgroup; providing for duties of workgroup; providing that the West Virginia Health Care Authority shall provide staff for the workgroup; providing for public hearings; providing for the submission of a final report to the Legislature; establishing a termination date of the workgroup; providing a time frame for the West Virginia Health Care Authority to consider modifying the hospice standards; providing that the hospice standards in effect January 1, 2018, remain in effect until new standards are developed in accordance with this section and approved by the Governor; and providing an effective date for newly developed hospice standards”; which was referred to the Committee on Health and Human Resources.

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. 561 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-2-17a and §60-2-17b; to amend and reenact §60-6-7, §60-6-8, and §60-6-9 of said code; to amend and reenact §60-7-2, §60-7-3, §60-7-4, §60-7-5, §60-7-6, and §60-7-12 of said code; to amend said code by adding thereto two new sections, designated §60-7-6a and §60-7-8a; and to amend and reenact §61-8-27 of said code, all relating to permitting the Alcohol Beverage Control Administration to request the assistance of law enforcement; implementing a \$100 operations fee and establishing special revenue account and fund; clarifying that consumption of alcoholic liquors in public is unlawful; clarifying that West Virginia licensees can only sell liquor by the drink; clarifying certain licensing requirements for licensure; clarifying prohibition on liquor bottle sales in Class A licenses; providing guidance on certain lawful conduct such as wine bottle sales and frozen drink machines; creating a private fair and festival license; definitions; license requirements; license fee; creating the private hotel license and license fee; creating a private nine-hole golf course license and fee; definitions; license requirements; license fee; permitting a private resort hotel to have inner-connection with a resident brewer who has a brewpub; providing a 30-day requirement to issue or deny a completed license application; creating a reactivation fee for licensees who fail to timely file their renewal application and pay their annual license fees; permitting a license privilege for certain licensees to operate a connected but separately operated Class A on-premises license and a Class B off-premises license; clarifying that certain state-licensed gaming is permissible in a private club; and permitting minors to attend a private hotel, private nine-hole golf course, and a private fair or festival under certain conditions”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 566 - “A Bill to amend and reenact §29-5A-1 of the Code of West Virginia, 1931, as amended, relating to compensation for members of the State Athletic Commission for attendance and participation at public meetings”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 600 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-1-8, relating generally to preservation of biological evidence obtained through criminal investigations and criminal trials; directing the Secretary of Military Affairs and Public Safety to investigate methods of preservation of biological evidence and developing a proposal for the centralized storage and preservation of biological materials obtained in criminal matters statewide; requiring the Secretary of Military Affairs and Public Safety to supply the Senate President and Speaker of the House of Delegates with proposals for such a plan along with proposed legislation; and defining terms"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 615 - "A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to providing county commissioners an ongoing mechanism to consider compensation increases for elected officials every two years"; which was referred to the Committee on Government Organization then Finance.

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. 622 - "A Bill to amend and reenact §3-8-1a, §3-8-2, §3-8-4, §3-8-5, §3-8-5b, §3-8-5e, §3-8-7, §3-8-8, §3-8-9, and §3-8-12 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto five new sections, designated §3-8-5c, 3-8-5g, §3-8-9a, §3-8-9b, and §3-8-9c, all relating generally to the regulation and control of elections; modifying and adding definitions; modifying requirements for information to be included in independent expenditure reports; providing that persons or committees required to file federal expenditure reports are not exempt from requirement to file state-level expenditure and electioneering disclosure reports; raising the threshold amounts for required disclosure of independent expenditures occurring within a certain time frame preceding elections; requiring electronic filing of certain financial disclosure statements; removing the deadline before an election for a political action committee or political party committee to file a statement of organization; modifying record-keeping requirements for certain receipts and expenditures made for political purposes and requiring that records be maintained for a period of five years; modifying deadlines for financial disclosure reports; providing that candidates for certain offices may file financial disclosure statements by mail, facsimile, or electronic means; modifying limits on contributions to candidates and candidate committees; modifying limits on contributions to state party executive committees and legislative caucus campaign committees; modifying limits on contributions to political action committees; providing that precandidates may accept contributions for a general election campaign prior to nomination, but may not expend such funds until after nomination is declared; providing that persons receiving precandidacy contributions are subject to certain expenditure reporting requirements; prohibiting foreign nationals from making contributions or donations to candidates, committees, and parties, and prohibiting receipt of a contribution or donation by a foreign national; modifying daily rate of civil penalty for persons filing late, inaccurate, or incomplete financial statements; requiring the Secretary of State to publish an online list of persons filing late financial statements; providing that membership organizations are subject to certain limitations applying to corporate contributions and solicitation of contributions by corporations; adding certain expenses to the list of permissible expenses of political committees; providing that coordinated expenditures are treated as contributions and providing exceptions thereto; permitting political party committees and legislative caucus campaign committees to make coordinated expenditures up to certain limits in connection with certain state-level candidates; permitting political committees to engage in joint fundraising efforts pursuant to a written agreement filed with the

Secretary of State subject to certain requirements; requiring the Secretary of State to promulgate legislative rules pertaining to joint fundraising efforts; permitting unlimited transfers of money between and among state party executive committees, legislative caucus campaign committees, and national committees of the same political party for voter registration and get-out-the-vote initiatives; providing that prohibition against intimidating or coercing certain government employees into engaging in political activity also extends to intimidating or coercing employees into refraining from political activity; eliminating prohibition on a political organization organized under Section 527 of the Internal Revenue Code from soliciting or accepting donations before registering with the Secretary of State; providing that it is unlawful for any person to establish more than one political committee with the intent to evade contribution limitations; and deleting obsolete language"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 640 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-56-1, §16-56-2, §16-56-3, and §16-56-4, all relating to the regulation of sudden cardiac arrest prevention; training and education; rulemaking; and removal from athletic activity"; which was referred to the Committee on Health and Human Resources.

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. 642 - "A Bill to amend and reenact §16-30-3 and §16-30-4 of the Code of West Virginia, 1931, as amended, all relating to providing options in living wills, and combined medical powers of attorney and living wills, that permit the principal to either be provided with medically assisted food and fluids or not to be provided with medically assisted food and fluids if the principal is unable to communicate his or her desires; redefining a term; and clarifying what constitutes a 'terminal condition' and a 'persistent vegetative state'"; 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. 651 - "A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-5-4 of said code, all relating to the ability of the Director of the Division of Natural Resources to authorize repair, renovation, and rehabilitation for existing facilities, buildings, amenities, and infrastructure; and adding state forests to the definition of 'recreational facilities'"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 653 - "A Bill to amend and reenact §30-3-15 of the Code of West Virginia, 1931, as amended, relating generally to the practice of medical corporations; eliminating references to podiatry corporations; replacing references to the practice of podiatry with podiatric medicine; providing that authorized medical corporations may only practice medicine and surgery through individual physicians, podiatric physicians, or physician assistants licensed to practice medicine; permitting podiatric physicians and physician assistants to be employees rather than shareholders of a medical corporation; and providing that licensed hospitals do not need to obtain a certificate of

authorization from the Board of Medicine so long as the hospital does not exercise control of the independent medical judgment of licensed physicians and licensed podiatric physicians”; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

S. B. 655 - “A Bill to amend and reenact §19-21A-3 and §19-21A-4 of the Code of West Virginia, 1931, as amended, all relating to conservation districts generally; clarifying the authority of the State Conservation Committee to operate and administer a conservation grant program; providing financial assistance to conservation districts and others to promote approved conservation practices; and defining terms”; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 668 - “A Bill to amend and reenact §30-3E-1, §30-3E-3, §30-3E-9, §30-3E-11, and §30-3E-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-3E-10a, all relating to physician assistants collaborating with physicians in hospitals; requiring written notice to the appropriate licensing board; requiring rulemaking; and specifying practice requirements”; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

S. B. 669 - “A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article, designated §39-4A-1, §39-4A-2, §39-4A-3, §39-4A-4, and §39-4A-5, all relating to the appointment of commissioners to acknowledge signatures by persons residing in or out of the State of West Virginia covering deeds, leases, and other writings pertaining to West Virginia property for recordation in the State of West Virginia; qualifications; authority of Secretary of State to appoint a commissioner; authority of Secretary of State to deny, refuse to renew, revoke, suspend, or impose a condition on a commission; fees; powers of commissioners; prohibited acts; rule-making authority; application of Revised Uniform Law on Notarial Acts; and inclusion of commissioners in online database”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

S. B. 670 - “A Bill to amend and reenact §18-30-2, §18-30-3, §18-30-4, and §18-30-7 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia College Prepaid Tuition and Savings Program; expanding eligible educational institutions to include a private or religious primary, middle, or secondary school; and changing Board of the College Prepaid Tuition and Savings Program membership”; which was referred to the Committee on Education then Finance.

Resolutions Introduced

Delegate Maynard offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 85 - "Requesting the Joint Committee on Government and Finance study the feasibility of combining the volunteer fire departments in our state under a single policy for workers' compensation coverage, self-insuring workers' compensation coverage for volunteer fire departments, or other workers' compensation coverage options."

Whereas, There appears to be a will and desire among the volunteer and part-volunteer fire departments of the state to form a self-insurance structure; and

Whereas, There also appears to be a revenue source available to fund such a program through a possible increase of the insurance surtax percentage of 0.45 percent pursuant to §33-3-33 of the Code of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the feasibility of combining the volunteer fire departments in our state under a single policy for workers' compensation coverage, self-insuring workers' compensation coverage for volunteer fire departments, or other workers' compensation coverage options; and, be it

Further Resolved, That in conducting the study, the Committee include an evaluation of the benefit, necessity, and feasibility of expanding the current scope of workers' compensation coverage for volunteers, including, but not limited to, presumptions for cardiovascular or pulmonary disease, occupational pneumoconiosis, or other occupational disease, as well as a comparison of those proposals to other means of supplementing workers' compensation insurance through secondary insurance policies; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2020, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Petitions

Delegates Hamrick, Waxman, Queen and Miley presented a petition from residents of Harrison and Marion counties, requesting the Department of Highways reopen Harrison County Route 12, known as Janes Hill Road; which was referred to the Committee on Technology and Infrastructure.

Delegate Doyle presented a petition from 1,099 residents advocating for the restoration of human health criteria updates to the water quality standards in S. B. 163, as recommended by the Department of Environmental Protection; which was referred to the Committee on the Judiciary.

Delegate Lavender-Bowe asked and obtained unanimous consent to be removed as a cosponsor of Com. Sub. for H. B. 2941.

Reordering of the Calendar

Delegate Summers announced that the Committee on Rules had transferred Com. Sub. for H. B. 2718, on third reading, House Calendar, to the Special Calendar; Com. Sub. for H. B. 2519, H. B. 2739, Com. Sub. for H. B. 2931, Com. Sub. for H. 3105 and H. B. 3137, on third reading, Special Calendar, to the House Calendar.

Delegate Summers moved that Com. Sub. for H. B. 2519 be transferred from the House Calendar to the Special Calendar.

On this question, the yeas and nays were taken (**Roll No. 356**), and there were—yeas 59, nays 40, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Anderson, Angelucci, Bates, S. Brown, Campbell, Canestraro, Capito, Caputo, Cooper, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hicks, Hollen, Hornbuckle, Kump, Lavender-Bowe, Longstreth, Lovejoy, Miley, Miller, Nelson, Pethtel, Pushkin, Pyles, Robinson, Rowe, Shott, Skaff, Sponaule, Storch, C. Thompson, Walker, Westfall, Williams and Zukoff.

Absent and Not Voting: Byrd.

So, two thirds of the members present and voting not having voted in the affirmative, the motion was rejected.

Special Calendar

Third Reading

Com. Sub. for H. B. 2079, Removing certain limitations on medical cannabis grower, processor and dispensary licenses; 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. 357**), and there were, including pairs—yeas 84, nays 16, absent and not voting none, with the nays and paired being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Byrd

Nay: Butler

Nays: Cadle, Cowles, Fast, Hardy, Hollen, D. Jeffries, Jennings, J. Kelly, Kessinger, Malcolm, P. Martin, Porterfield, Rohrbach, Summers and Toney.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2079) passed.

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

Com. Sub. for H. B. 2079 - "A Bill to amend and reenact §16A-2-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §16A-4-3 of said code; the amend and reenact §16A-6-13 of said code; to amend and reenact §16A-8-1 of said code; and to amend and reenact §16A-16-1 of said code, all relating to medical cannabis; revising definition of "continuing care"; adding requirements for practitioners issuing a certification to use medical cannabis; adding a requirement that practitioners provide an attestation to the Bureau of Public Health; revising dispensary permit numeric criteria; authorizing grower, processor and dispensary permittees to hold all three types of permits; removing requirement that a physician or pharmacist be present at a dispensary; and authorizing the bureau to implement a process for certification pre-registration, and providing conditions thereto."

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

On this question, the yeas and nays were taken (**Roll No. 358**), and there were—yeas 88, nays 11, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Butler, Cadle, Fast, Hollen, D. Jeffries, Jennings, J. Kelly, Kessinger, P. Martin, Porterfield and Toney.

Absent and Not Voting: Byrd.

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. 2079) takes effect from its passage.

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

Com. Sub. for H. B. 2397, Requiring county school boards to provide adequate mental health and counseling services; 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. 359**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Byrd.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2397) 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. 2595, Establishing the West Virginia Division of Natural Resources Police Officer Retirement System; on third reading, coming up in regular order, with the right to amend, was reported by the Clerk.

On motion of Delegates Graves and Householder, the bill was amended on page fifteen, following §16-5V-6, line sixty-seven, by striking out all of §20-28-10 in its entirety and inserting in lieu thereof the following:

“§20-2B-10. Class CS/LE nonresident conservation ~~law-enforcement and sports education~~ stamp.

(a) Any nonresident hunter, angler or trapper licensed to hunt, fish or trap in this state, in addition to a Class E, EE, F, H, LL or XXJ license, shall have a Class CS/LE nonresident conservation, ~~law-enforcement and sports education~~ stamp. The fee for the stamp is ~~\$12~~ \$6.50.

(b) The revenue derived from the sale of Class CS/LE nonresident stamps shall be deposited in the State Treasury and shall be credited to the Division of Natural Resources. ~~Fifty percent of the revenue shall be used and paid out, upon order of the director, for the law enforcement section’s expenses relating to the general enforcement of state laws pertaining to the conservation of fish and wildlife and law enforcement education programs for hunters, anglers and trappers: *Provided*, That no expenditures of the revenue derived from the sale of the Class CS/LE stamp shall be made for law enforcement purposes not directly related to the wildlife resources of the state or for the educational programs set forth in this subsection. Fifty percent of t~~ The revenue shall be used and paid out for capital improvements and land purchases or leases benefitting wildlife except that at the

discretion of the director, a maximum of 20 percent of the revenue may be used for the operation and maintenance of the capital improvements and lands: *Provided*, That no expenditures of the revenue derived from the sale of the conservation stamps shall be made for recreational facilities that are used by or for the benefit of the general public rather than by or for purchasers of hunting, fishing or trapping licenses. Any unexpended moneys derived from the sale of Class CS/LE stamps shall be carried forward to the next fiscal year.

§20-2B-11. Class LE nonresident law enforcement stamp.

(a) Any nonresident hunter, angler, or trapper licensed to hunt, fish, or trap in this state, in addition to a Class E, EE, F, H, LL, or XXJ license, shall have a Class LE nonresident law-enforcement and education stamp. The fee for the stamp is \$8.50. Any unexpended moneys derived from the sale of Class LE stamps shall be carried forward to the next fiscal year.

(b) The revenue derived from the sale of Class LE stamps shall be deposited in the State Treasury and shall be credited to the Division of Natural Resources. The revenue shall be used and paid out, upon order of the director, for the law-enforcement section's expenses relating to the general enforcement of state laws pertaining to the conservation of fish and wildlife and law-enforcement education programs for hunters, anglers and trappers: *Provided*, That no expenditures of revenue derived from the sale of the law-enforcement stamps shall be made for law-enforcement purposes not directly related to the wildlife resources of the state or for the educational programs set forth in this section.

(c) Beginning after January 1, 2020, if the requirements of §20-17-4 of this code are met and the provisions of §20-17-1 *et seq.* of this code are in full force and effect, the revenue derived from the sale of Class LE nonresident stamps shall be deposited in the State Treasury and shall be credited used and paid out, upon order of the director, for the law-enforcement section's expenses relating to the general enforcement of state laws pertaining to the conservation of fish and wildlife and law-enforcement education programs for hunters, anglers and trappers: *Provided*, That no expenditures of the revenue derived from the sale of Class LE nonresident stamps shall be made for law-enforcement purposes not directly related to the wildlife resources of the state or for the educational programs set forth in this section: *Provided further*, that \$2.00 from the fee for each Class LE nonresident stamp collected and credited pursuant to this section shall be used and paid out monthly, upon order of the director, into the Natural Resources Police Officer Retirement Fund pursuant to §20-17-7 of this code."

And,

On page thirty, section eight, line two, following the words "equal to", by striking out the word "eight" and inserting in lieu thereof the word "nine".

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. 360**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: McGeehan.

Absent and Not Voting: Byrd.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2595) passed.

On motion of Delegates Graves and Householder, the title of the bill was amended to read as follows:

Com. Sub. for H. B. 2595 - "A Bill to amend and reenact §5-10-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-10D-1 of said code; to amend and reenact §7-14D-5 of said code; to amend and reenact §8-22A-6 of said code; to amend and reenact §16-5V-6 of said code; to amend and reenact §20-2B-10 of said code; to amend said code by adding thereto a new section, designated §20-2B-11; and to amend said code by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, §20-17-5, §20-17-6, §20-17-7, §20-17-8, §20-17-9, §20-17-10, §20-17-11, §20-17-12, §20-17-13, §20-17-14, §20-17-15, §20-17-16, §20-17-17, §20-17-18, §20-17-19, §20-17-20, §20-17-21, §20-17-22, §20-17-23, §20-17-24, §20-17-25, §20-17-26, §20-17-27, §20-17-28, §20-17-29, §20-17-30, §20-17-31, §20-17-32, §20-17-33, §20-17-34, §20-17-35 and §20-17-36, all relating to establishing the West Virginia Division of Natural Resources Police Officer Retirement System; adding and modifying certain stamp fees to contribute to the new retirement system; providing for additional members of the Consolidated Public Retirement Board; and providing for criminal offense of defrauding the system and penalties therefor."

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. 2718, Requiring purchasers of roundwood to collect and maintain certain information; 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. 361**), and there were—yeas 95, nays 4, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Butler, Foster, Jennings and McGeehan.

Absent and Not Voting: Byrd.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2718) 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. 2843, Creating an Office for Federal Surplus Property; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 362**), and there were—yeas 90, nays 8, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Cadle, Doyle, Fluharty, Hansen, McGeehan, Nelson, Tomblin and Walker.

Absent and Not Voting: Byrd and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2843) 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. 2882, Creating a health professionals' student loan programs; 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. 363**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Byrd and Hicks.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2882) 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. 2932, Transferring regulation and licensing of charitable bingo, charitable raffles, and charitable raffle boards; 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. 364**), and there were—yeas 90, nays 8, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Butler, Cadle, Fast, Hollen, Kump, Porterfield, Toney and Worrell.

Absent and Not Voting: Byrd and Hicks.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2932) passed.

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

Delegate Lovejoy asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 2941.

Com. Sub. for H. B. 2941, Reinstating the film investment tax credit; on third reading, coming up in regular order, was read a third time.

Delegates Lavender-Bowe, Evans, J. Kelly, Hamrick, Howell, Cadle and Campbell requested to be excused from voting on Com. Sub. for H. B. 2941 under the provisions of House Rule 49.

The Delegates being members of a class of persons possibly to be affected by the passage of the bill, the Speaker directed the Members to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 365**), and there were—yeas 73, nays 26, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Azinger, Bibby, Butler, Cadle, Cooper, Cowles, Criss, Espinosa, Fast, Foster, Harshbarger, Hollen, Hott, Householder, Howell, Jennings, Kump, Mandt, P. Martin, Maynard, Nelson, Paynter, Porterfield, Westfall, Wilson and Worrell.

Absent and Not Voting: Byrd.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2941) 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. 2951, Placing the regulation of non-medical professions and occupations in a new chapter of the code; 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. 366**), and there were—yeas 54, nays 43, absent and not voting 3, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Azinger, Byrd and Shott.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2951) 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. 2966, County Budget Flexibility Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 367**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Fast.

Absent and Not Voting: Byrd.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2966) 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. 2967, Permitting a county to retain the excise taxes for the privilege of transferring title of real estate; 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. 368**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Byrd and Robinson.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2967) 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. 3127, Relating to the Secondary School Activities Commission and participation by home schooled students; on third reading, coming up in regular order, was read a third time.

Delegate Kump demanded the previous question, which demand was sustained.

On this question, the yeas and nays were taken (**Roll No. 369**), and there were—yeas 59, nays 39, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Anderson, Angelucci, Barrett, Bates, Boggs, S. Brown, Campbell, Canestraro, Caputo, Cowles, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Harshbarger, Hornbuckle, D. Kelly, J. Kelly, Longstreth, Lovejoy, Miley, Pack, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Rowe, Sponaugle, Storch, Swartzmiller, C. Thompson, Toney, Walker and Williams.

Absent and Not Voting: Byrd and Steele.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 370**), and there were—yeas 46, nays 52, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Azinger, Barrett, Bibby, Boggs, Butler, Cadle, Cowles, Criss, Ellington, Espinosa, Fast, Foster, Hamrick, Hanna, Hardy, Higginbotham, Hill, Hollen, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Kessinger, Kump, Linville, Lovejoy, Malcolm, Mandt, C. Martin, P. Martin, Maynard, McGeehan, Pack, Phillips, Porterfield, Rodighiero, Shott, Staggers, Sypolt, Waxman, Wilson and Worrell.

Absent and Not Voting: Byrd and Steele.

So, a majority of the members present and voting not having voted in the affirmative, the Speaker declared the bill (H. B. 3127) rejected.

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

H. B. 3136, Relating to the Centers for Medicare and Medicaid Services; on third reading, coming up in regular order, was reported by the Clerk.

On motion of Delegate Sypolt, the bill was moved to the foot of all bills on third reading.

H. B. 3142, Relating to reducing the severance tax on thermal or steam coal; on third reading, coming up in regular order, was read a third time.

During the debate, Delegate Porterfield raised a point of order regarding the content of questions by Delegate Rowe, to which point the Speaker replied that the point was well taken and that questions and answers should be directed to the question before the House.

Delegate Kump demanded the previous question, which demand was sustained.

On this question, the yeas and nays were taken (**Roll No. 371**), and there were—yeas 72, nays 26, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Anderson, Angelucci, Barrett, Bates, S. Brown, Caputo, Cowles, Diserio, Doyle, Estep-Burton, Fleischauer, Fluharty, Hansen, Hornbuckle, Linville, Lovejoy, Miley, Pethtel, Pushkin, Pyles, Robinson, Rowe, Sponaugle, Storch, Walker and Williams.

Absent and Not Voting: Byrd and Steele.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 372**), and there were, including pairs—yeas 88, nays 11, absent and not voting 1, with the nays and absent and not voting and paired being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Steele

Nay: Doyle

Nays: Cowles, Fleischauer, Hansen, Hornbuckle, Pushkin, Robinson, Rowe, Sponaugle, C. Thompson and Williams.

Absent and Not Voting: Byrd.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3142) passed.

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

H. B. 3142 - "A Bill to amend and reenact §11-13A-3, §11-13A-6 and §11-13A-6a of the Code of West Virginia, 1931, as amended, all relating to reducing the severance tax on thermal or steam coal to four percent, effective July 1, 2019; reducing the severance tax on thermal or steam coal to three percent, effective July 1, 2020; eliminating restrictions on counties and municipalities expending the county and municipality portion of severance taxes; eliminating certain reporting requirements; and establishing minimum amounts of distribution of portion of severance taxes on coal dedicated for use and benefit of coal-producing counties."

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

H. B. 3144, North Central Appalachian Coal Severance Tax Rebate Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 373**), and there were—yeas 88, nays 9, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Angelucci, Bates, Caputo, Doyle, Fleischauer, Hansen, Pushkin, Sponaugle and Walker.

Absent and Not Voting: Byrd, Linville and Steele.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3144) passed.

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

Having voted on the prevailing side, Delegate Skaff moved that the House of Delegates reconsider the vote regarding transferring Com. Sub. for H. B. 2519 from the House Calendar to the Special Calendar.

Delegate Fleischauer seconded the motion.

On the motion to reconsider, the yeas and nays were demanded, which demand was not sustained.

On this question, the Speaker declared the motion rejected.

At 4:03 p.m., the House of Delegates recessed until 7:00 p.m.

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Evening Session

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The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Reordering of the Calendar

Delegate Summers announced that the Committee on Rules had transferred H.B. 3136, on third reading, Special Calendar, to the House Calendar; and Com. Sub. for H. B. 2519 on third reading, House Calendar, to the Special Calendar

Special Calendar

Third Reading

-continued-

Com. Sub. for H. B. 2519, The Campus Self Defense Act; on third reading, coming up in regular order, with amendments pending, was reported by the Clerk.

Delegate J. Jeffries moved that the Rules of the House be suspended and all amendments pending be rejected en masse.

On this question, the yeas and nays were taken (**Roll No. 374**), and there were—yeas 50, nays 48, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Anderson, Angelucci, Atkinson, Barrett, Bates, Boggs, S. Brown, Byrd, Campbell, Canestraro, Capito, Caputo, Cowles, Diserio, Doyle, Espinosa, Estep-Burton, Evans, Fluharty, Hansen, Hartman, Hicks, Hollen, Hornbuckle, D. Kelly, J. Kelly, Lavender-Bowe, Longstreth, Lovejoy, Mandt, Miley, Miller, Nelson, Pethtel, Pushkin, Pyles, Queen, Robinson, Rowe, Shott, Skaff, Sponaugle, Storch, Walker, Westfall, Williams, Zukoff and Hanshaw (Mr. Speaker).

Absent and Not Voting: Fleischauer and Harshbarger.

So, two thirds of the members present and voting not having voted in the affirmative, the motion was rejected.

Delegate Summers moved that debate on each amendment be limited to one recognition per Delegate, not to exceed two minutes, with a total limit of fifteen minutes per amendment.

On this question, the yeas and nays were taken (**Roll No. 375**), and there were—yeas 78, nays 20, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: S. Brown, Byrd, Cowles, Doyle, Estep-Burton, Hansen, Hartman, Hicks, Hollen, Hornbuckle, D. Kelly, J. Kelly, Pushkin, Pyles, Robinson, Rowe, Shott, Tomblin, Walker and Williams.

Absent and Not Voting: Fleischauer and Harshbarger.

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

Delegates Hansen, Pyles and Fleischauer moved to amend the bill on page forty-four, section five-b, line eighty, by striking out the period, inserting a comma and “or, taking any disciplinary action deemed appropriate, including suspension or expulsion of a student or discharge of an employee, for carrying a concealed deadly weapon while under the influence of drugs or alcohol, for carrying a concealed deadly weapon in a prohibited area or event, or unlawfully brandishing a deadly weapon on the campus.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 376**), and there were—yeas 33, nays 66, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Bates, S. Brown, Byrd, Campbell, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Hansen, Hartman, Hicks, Hollen, Hornbuckle, D. Kelly, Lavender-Bowe, Longstreth, Lovejoy, Mandt, Miley, Miller, Pethtel, Pushkin, Pyles, Rohrbach, Rowe, Shott, Skaff, Walker, Williams and Zukoff.

Absent and Not Voting: Harshbarger.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegates Skaff, Walker, Hansen and Fleischauer moved to amend the bill on page forty, section five-b, line fifty-six, by striking out the word “or”.

And,

On page forty-four, section five-b, line fifty-eight, by striking out the period, inserting a comma, and the following:

“or,

(13) In on-campus or off-campus transportation vehicles, including personal rapid transports, buses, aircraft, or other vehicles utilized by the institution of higher education to transport students and faculty to university activities and facilities.”

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

There being two conflicting amendments and the adoption of one precluding adoption of the other, the Speaker informed the House that both would be explained before the first was voted upon.

Delegate Shott moved to amend the bill on page forty-two, line ten, after the words “§61-7-14”, by inserting the words “and § 18B-4-5b”.

On page forty-two, line ten, after the words “of this code”, by inserting the words “and any lawful rules or regulations promulgated pursuant to this or other relevant sections of the code” and a colon.

And,

On page forty-two, line eleven, after the word “arena”, by striking out the words “with a capacity of more than 1,000 spectators”, and inserting “including but not limited to athletic competition, academic classes, team practice, intramurals, recreation, or any other permitted or scheduled use employed by students, faculty, or the public, and any other limitation required to comply with prohibitions established by an athletic conference in which the institution is a member” and a semicolon.

Whereupon,

Delegate Byrd asked and obtained unanimous consent that the amendment sponsored by Delegate S. Brown and himself be withdrawn.

On the adoption of the amendment offered by Delegate Shott, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 377**), and there were—yeas 48, nays 52, absent and not voting none, with the yeas being as follows:

Yeas: Anderson, Angelucci, Azinger, Bates, S. Brown, Byrd, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Criss, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hollen, Hornbuckle, D. Kelly, J. Kelly, Lavender-Bowe, Longstreth, Lovejoy, Mandt, Miley, Miller, Nelson, Pethtel, Pushkin, Pyles, Queen, Rohrbach, Rowe, Shott, Skaff, Staggers, Storch, Walker, Westfall, Williams, Zukoff and Hanshaw (Mr. Speaker).

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegate Shott moved to amend the bill on page forty-two, line twenty-five, after the words “higher education”, by deleting the semicolon and inserting a comma and the words “including all walkways,

hallways, open areas, adjacent meeting rooms, anterooms, restrooms, waiting rooms, or other areas located within a 150-foot radius of the spaces designated for, or related to, the disciplinary or grievance procedure” and a semicolon.

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

The yeas and nays having been ordered, they were taken (**Roll No. 378**), and there were—yeas 34, nays 66, absent and not voting none, with the yeas being as follows:

Yeas: Angelucci, Bates, Byrd, Campbell, Capito, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Hansen, Hartman, Hollen, Hornbuckle, D. Kelly, Lavender-Bowe, Longstreth, Lovejoy, Mandt, Miley, Miller, Nelson, Pethtel, Pushkin, Pyles, Rowe, Shott, Skaff, Walker, Westfall, Williams, Zukoff and Hanshaw (Mr. Speaker).

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegate Shott moved to amend the bill on page forty-three, line thirty-six, after the word “occurring”, by deleting the colon, inserting a period, and thereafter inserting the following:

“For the purposes of this subsection ‘school-sponsored function’ includes, but is not necessarily limited to: tours, demonstrations, field trips, events, clubs, camps, classes, clinics, programs, and like events, authorized by the West Virginia Department of Education, the West Virginia Secondary Schools Activities Commission, a county school board, or local public school, including K-12 school district or individual school(s) as a curricular, co-curricular, or interscholastic activity, managed or supervised in part by the department, commission, board, district, school, or district or school employee. When a pre-K-12 school sponsored activity is so conducted in a location, the concealed carrying of pistols or revolvers is prohibited. A sign reading ‘Pre-K-12 school-sponsored activity in progress’ will be posted during these activities” and a semicolon.

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

The yeas and nays having been ordered, they were taken (**Roll No. 379**), and there were—yeas 45, nays 55, absent and not voting none, with the yeas being as follows:

Yeas: Anderson, Angelucci, Atkinson, Bates, S. Brown, Byrd, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Diserio, Doyle, Ellington, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hicks, Hollen, Hornbuckle, Lavender-Bowe, Linville, Longstreth, Lovejoy, Mandt, Miley, Miller, Nelson, Pethtel, Pushkin, Pyles, Rohrbach, Rowe, Shott, Skaff, Storch, Sypolt, Walker, Westfall, Williams, Zukoff and Hanshaw (Mr. Speaker).

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegate Shott moved to amend the bill on page forty-three, line forty-four, after the words “being provided”, by deleting the semicolon, inserting a period, and thereafter inserting the following:

“Waiting rooms for designated patient care or mental-counselling areas may be considered a designated area. This prohibition includes not only traditional patient care facilities, but also research labs and other research areas where and when, as part of a research program, patient care is delivered by or under the supervision or direction of a licensed health care provider” and a semicolon.

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

The yeas and nays having been ordered, they were taken (**Roll No. 380**), and there were—yeas 42, nays 56, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Angelucci, Atkinson, Bates, S. Brown, Byrd, Campbell, Canestraro, Capito, Caputo, Cooper, Cowles, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Hansen, Hicks, Hollen, Hornbuckle, D. Kelly, J. Kelly, Lavender-Bowe, Longstreth, Lovejoy, Mandt, Miley, Miller, Nelson, Pethel, Pushkin, Pyles, Rohrbach, Rowe, Skaff, Storch, Walker, Westfall, Williams, Zukoff and Hanshaw (Mr. Speaker).

Absent and Not Voting: N. Brown and Sponaugle.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegate Shott moved to amend the bill on page forty-four, line fifty-eight, after the words “study areas” and the semicolon, by inserting the following:

“(13) The concealed carry of pistols or revolvers is prohibited on premises which involve a ticketed or charitable theater or film performance, musical recital, lecture, speech, live performance, entertainment, concert or other event where the introduction of firearms is inconsistent with the safety and security of the event. Concealed carry of pistols or revolvers is not prohibited at publicly accessible outdoor grounds or rights-of-way appurtenant to the above noted premises including parking lots;

(14) The concealed carry of a pistol or revolver is prohibited in areas for which state or federal law, licensing requirements, or contracts require total exclusion of firearms solely at the discretion of the state or federal government, or firearm exclusion is required by a campus accrediting authority. Where appropriate, signage will conform to the overriding federal law, state law or accrediting requirements;

(15) Gun exclusion zones if created by state law as well as those created by public policy may sometimes comprise only a portion of a building. In some instances, it may not be feasible to exclude concealed pistols or revolvers only from designated exclusion zones. The following factors and principles will govern the implementation of these rules and regulations in those buildings in which some, but not all parts are designated as exclusion zones:

(A) the percentage of assignable space or rooms in a building that are designated as exclusion zones;

(B) The extent to which the areas designated as exclusion zones are segregable from other areas of the building;

(C) The extent to which use of the building, and hence its status as an exclusion zone, varies from day-to-day or week-to-week;

(D) If a small number of rooms or a small fraction of assignable space in a building is subject to exclusion, only the rooms or areas that qualify for exclusion should be excluded. Appropriate signage must be posted for excluded rooms or areas.

(E) if a significant fraction of the total building in terms of number of rooms or assignable space is subject to exclusion, or if the excludable space is not able to be segregated from other space, then as a matter of practicality, the whole building will be excluded. Appropriate signage must be posted for any such building.

(16) No one may possess a firearm on campus while engaged in any type of criminal activity, while consuming alcohol, while under the influence of alcohol, or while under the influence of any drug, including illegal drugs and prescription medication.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 381**), and there were—yeas 43, nays 57, absent and not voting none, with the yeas being as follows:

Yeas: Anderson, Angelucci, Atkinson, Bates, S. Brown, Byrd, Campbell, Capito, Caputo, Cooper, Cowles, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Hansen, Hicks, Hollen, Hornbuckle, D. Kelly, J. Kelly, Lavender-Bowe, Linville, Longstreth, Lovejoy, Mandt, Miley, Miller, Nelson, Pethtel, Pushkin, Pyles, Queen, Rowe, Shott, Skaff, Storch, Walker, Westfall, Williams, Zukoff and Hanshaw (Mr. Speaker).

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegate Shott moved to amend the bill on page forty-four, line seventy-seven, after “(f)”, by inserting “(1)”.

And,

On page forty-four, line eighty, after the words “this section” and the period, by inserting the following

“(2) Accidental discharge of a concealed pistol or revolver is conduct which may be subject to disciplinary action.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 382**), and there were—yeas 41, nays 58, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Angelucci, Azinger, Bates, S. Brown, Byrd, Campbell, Capito, Caputo, Cooper, Cowles, Diserio, Doyle, Ellington, Estep-Burton, Evans, Fleischauer, Hansen, Hartman, Hollen, Hornbuckle, D. Kelly, Lavender-Bowe, Longstreth, Mandt, Miley, Miller, Nelson, Pethtel, Pushkin, Pyles, Rohrbach, Rowe, Shott, Skaff, Storch, Walker, Westfall, Williams, Zukoff and Hanshaw (Mr. Speaker).

Absent and Not Voting: Linville.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

An amendment offered by Delegate Shott, was reported by the Clerk.

Whereupon,

Delegate Shott obtained unanimous consent that the amendment be withdrawn.

An amendment offered by Delegate Shott, was reported by the Clerk.

Whereupon,

Delegate Shott obtained unanimous consent that the amendment be withdrawn.

Delegates Shott and Skaff moved to amend the bill on page forty-five, line ninety-nine, after the word “revolver” and the period, by inserting the following:

“(i) For the purposes of this section, a “license to carry a concealed deadly weapon” refers to a current and valid license, lawfully issued by the State of West Virginia pursuant to §61-7-4 or to a current and valid provisional license, lawfully issued pursuant to §61-7-4a of this code to a currently serving or honorably discharged member of the United State armed forces, reserve or National Guard, or a current and valid license or permit recognized under §61-7-6a of this code.”

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

The yeas and nays having been ordered, they were taken (**Roll No. 383**), and there were—yeas 38, nays 62, absent and not voting none, with the yeas being as follows:

Yeas: Anderson, Angelucci, Bates, S. Brown, Byrd, Campbell, Capito, Caputo, Cowles, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Hansen, Hicks, Hollen, Hornbuckle, D. Kelly, Lavender-Bowe, Longstreth, Lovejoy, Mandt, Miley, Miller, Nelson, Pethtel, Pushkin, Pyles, Rohrbach, Rowe, Shott, Skaff, Walker, Westfall, Williams, Zukoff and Hanshaw (Mr. Speaker).

So, a majority of the members present and voting not having voted in the affirmative, the amendment was rejected.

Delegate Shott moved to amend the bill on page forty-five, line one hundred three, after the word “code”, by inserting the following subsection:

“(k) No later than December 15th of each calendar year, the state institutions of higher learning shall report on any issues related to implementation of “The Campus Self Defense Act” to the Joint Committee on Government and Finance, including all financial effects and costs, any effect on enrollment, any effect on retention or recruitment of faculty and staff, any incidents on campus related to concealed carry of a pistol or revolver, or any other issue which the state institution of higher learning identifies as relevant information for the Joint Committee on Government and Finance to assess and evaluate the effect of ‘The Campus Self Defense Act’ on higher education in the State of West Virginia.”

And,

By renumbering the remaining paragraphs as “(l)” and “(m)”, respectively.

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

The yeas and nays having been ordered, they were taken (**Roll No. 384**), and there were—yeas 51, nays 49, absent and not voting none, with the nays being as follows:

Nays: Azinger, Barrett, Bibby, Boggs, N. Brown, Butler, Cadle, Criss, Dean, Espinosa, Fluharty, Foster, Graves, Hamrick, Hanna, Hardy, Harshbarger, Higginbotham, Hill, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Kessinger, Kump, Malcolm, C. Martin, P. Martin, Maynard, McGeehan, Pack, Paynter, Phillips, Porterfield, Rodighiero, Rowan, Sponaugle, Steele, Summers, Swartzmiller, Sypolt, C. Thompson, R. Thompson, Toney, Waxman, Wilson and Worrell.

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

Having been engrossed, the bill was then read a third time.

Delegate Wilson demanded the previous question, which demand was sustained.

On this question, the yeas and nays were taken (**Roll No. 385**), and there were—yeas 49, nays 51, absent and not voting none, with the yeas being as follows:

Yeas: Atkinson, Azinger, Bibby, N. Brown, Butler, Cadle, Capito, Cooper, Criss, Dean, Espinosa, Fast, Graves, Hamrick, Hanna, Hardy, Harshbarger, Hartman, Higginbotham, Hill, Hott, Householder, Howell, D. Jeffries, J. Jeffries, Jennings, Linville, C. Martin, P. Martin, Maynard, McGeehan, Nelson, Pack, Paynter, Phillips, Porterfield, Rodighiero, Rowan, Staggers, Summers, Sypolt, C. Thompson, R. Thompson, Tomblin, Toney, Waxman, Westfall, Wilson and Hanshaw (Mr. Speaker).

So, a majority of the members present and voting not having voted in the affirmative, the motion was rejected.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 386**), and there were—yeas 59, nays 41, absent and not voting none, with the nays being as follows:

Nays: Anderson, Angelucci, Bates, S. Brown, Byrd, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hicks, Hollen, Hornbuckle, D. Kelly, Lavender-Bowe, Longstreth, Lovejoy, Mandt, Miley, Miller, Nelson, Pethtel, Pushkin, Pyles, Robinson, Rowe, Shott, Skaff, Sponaugle, Storch, C. Thompson, Walker, Westfall, Williams, Zukoff and Hanshaw (Mr. Speaker).

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2519) passed.

Delegate Pyles moved that the bill take effect July 1, 2099.

On this question, the yeas and nays were taken (**Roll No. 387**), and there were—yeas 31, nays 69, absent and not voting none, with the yeas being as follows:

Yeas: Anderson, Angelucci, Bates, S. Brown, Byrd, Campbell, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Hansen, Hollen, Hornbuckle, Lavender-Bowe, Longstreth, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rowe, Shott, Skaff, Sponaugle, C. Thompson, Walker, Williams and Zukoff.

So, two thirds of the members present and voting not having voted in the affirmative, the motion was rejected.

H. B. 3146, Relating to retail licensees; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Pack asked and obtained unanimous consent to allow an amendment to be offered on third reading.

On motion of Delegate Pack, the bill was amended on page one, after the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“ARTICLE 3A. SALES BY RETAIL LIQUOR LICENSEES.

§60-3A-17. Wholesale prices set by commissioner; retail licensees to purchase liquor from state; transportation and storage; method of payment; requiring a minimum amount of liquor purchases; removing liquor inventory square footage requirements; special or prepaid orders through retail licensees.

(a) The commissioner shall fix wholesale prices for the sale of liquor, other than wine, to retail licensees. The commissioner shall sell liquor, other than wine, to retail licensees according to a uniform pricing schedule. The commissioner shall obtain, if possible, upon request, any liquor requested by a retail licensee and those permitted to manufacture and sell liquor pursuant to §60-4-3 of this code.

(b) Wholesale prices shall be established in order to yield a net profit for the General Revenue Fund of not less than \$6,500,000 annually on an annual volume of business equal to the average for the past three years. The net revenue derived from the sale of alcoholic liquors shall be deposited into the General Revenue Fund in the manner provided in §60-3-17 of this code.

(c) Notwithstanding any provision of this code to the contrary, the commissioner shall specify the maximum wholesale markup percentage which may be applied to the prices paid by the commissioner for all liquor, other than wine, in order to determine the prices at which all liquor, other than wine, will be sold to retail licensees. A retail licensee shall purchase all liquor, other than wine, for resale in this state only from the commissioner, and the provisions of §60-6-12 and §60-6-13 of this code shall not apply to the transportation of the liquor. Beginning July 1, 2020, a retail licensee must purchase at least 200 of the available stock keeping units (“SKUs”) of liquor the commissioner lists as West Virginia product: *Provided*, That a retail licensee shall purchase wine from a wine distributor who is duly licensed under §60-8-1 *et seq.* of this code. All liquor, other than wine, purchased by retail licensees shall be stored in the state at the retail outlet or outlets operated by the retail licensee: *Provided, however*, That the commissioner, in his or her discretion, may upon written request permit a retail licensee to store liquor at a site other than the retail outlet or outlets.

(d) The sale of liquor by the commissioner to retail licensees shall be paid by electronic funds transfer which shall be initiated by the commissioner on the business day following the retail licensees order or by money order, certified check or cashier’s check which shall be received by the commissioner at least 24 hours prior to the shipping of the alcoholic liquors: *Provided*, That if a retail licensee posts with the commissioner an irrevocable letter of credit or bond with surety acceptable to the commissioner from a financial institution acceptable to the commissioner guaranteeing payment of checks, then the commissioner may accept the retail licensee’s checks in an amount up to the amount of the letter of credit.

(e) (1) A retail licensee may not sell liquor to persons licensed under the provisions of §60-7-1 *et seq.* of this code at less than ~~44~~ 115 percent of the retail licensee’s cost as defined in §47-11A-6 of this code.

(2) A retail licensee may not sell liquor to the general public at less than 440 115 percent of the retail licensee's cost as defined in §47-11A-6 of this code.

(f) Beginning July 1, 2020, a retail licensee will not be required to have a particular amount of square footage devoted to the sale of liquor: *Provided*, That a retail licensee have enough shelf or display space to display at least one of each SKUs offered for sale to its patrons.

(g) No special order or prepaid order of liquor from a retail licensee attempting to procure a liquor product for a licensee licensed under §60-7-1 *et seq.* of this code or a patron may be denied. The commissioner may supply the order through inventor in the warehouse. If the liquor requested by the special or prepaid order is not in stock at the warehouse in this state, the commissioner must make reasonable attempts to procure the special or prepaid order for the retail licensee."

Having been engrossed, the bill was read a third time.

Delegate Phillips requested to be excused from voting on H.B. 3146 under the provisions of House Rule 49.

The Speaker replied that 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. 388**), and there were—yeas 12, nays 87, absent and not voting 1, with the yeas and absent and not voting being as follows:

Yeas: Bibby, Foster, Hamrick, Hott, Jennings, Malcolm, Phillips, Shott, Summers, Waxman, Wilson and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cooper.

So, a majority of the members present and voting not having voted in the affirmative, the Speaker declared the bill (H. B. 3146) rejected.

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

H. B. 3148, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services; on third reading, coming up in regular order, was read a third time.

On the passage of the bill, the yeas and nays were taken (**Roll No. 389**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Cooper.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3148) passed.

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

On this question, the yeas and nays were taken (**Roll No. 390**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: Cooper.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 3148) takes effect from its passage.

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

H. B. 3149, Relating to manufacturing and producing hard cider in West Virginia; 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. 391**), and there were—yeas 80, nays 19, absent and not voting 1, with the nays and absent and not voting being as follows:

Nays: Azinger, Cowles, Espinosa, Fast, Hardy, Hollen, D. Jeffries, J. Jeffries, Jennings, Kessinger, Kump, Malcolm, C. Martin, Maynard, Pack, Porterfield, Toney, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Cooper.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 3149) passed.

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

Second Reading

Com. Sub. for S. B. 157, Authorizing Department of Administration promulgate legislative rules; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 295, Relating to crimes against public justice; on second reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

S. B. 440, Relating to Antihazing Law; on second reading, coming up in regular order, was read a second time and ordered to third reading.

S. B. 453, Relating to background checks of certain financial institutions; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 2. DIVISION OF ~~BANKING~~ FINANCIAL INSTITUTIONS.

§31A-2-4. Jurisdiction of commissioner; powers, etc., of division transferred to commissioner; powers and duties of commissioner.

(a) Subject to the powers vested in the board by §31A-3-1 *et seq.* of this code, the commissioner has supervision and jurisdiction over state banks, regulated consumer lenders, residential mortgage lenders, and brokers licensed pursuant to §31-17-1 *et seq.* of this code, credit unions, and all other

persons now or hereafter made subject to his or her supervision or jurisdiction. All powers, duties, rights, and privileges vested in the division are hereby vested in the commissioner. He or she shall be the chief executive officer of the Division of ~~Banking~~ Financial Institutions and is responsible for the division's organization, services, and personnel and for the orderly and efficient administration, enforcement, and execution of the provisions of this chapter and all laws vesting authority or powers in or prescribing duties or functions for the division or the commissioner.

(b) The commissioner shall:

(1) Maintain an office for the division and there keep a complete record of all the division's transactions, of the financial conditions of all financial institutions, and records of the activities of other persons as the commissioner considers important. Notwithstanding any other provision of this code, heretofore or hereafter enacted, the records relating to the financial condition of any financial institution and any information contained in the records shall be confidential for the use of the commissioner and authorized personnel of the Division of ~~Banking~~ Financial Institutions. No person shall divulge any information contained in any records except as authorized in this subdivision in response to a valid subpoena or subpoena duces tecum issued pursuant to law in a criminal proceeding or in a civil enforcement action brought by the state or federal regulatory authorities. Subpoenas shall first be directed to the commissioner, who shall authorize disclosure of relevant records and information from the records for good cause, upon imposing terms and conditions considered necessary to protect the confidential nature of the records, the financial integrity of the financial institution or the person to which the records relate and the legitimate privacy interests of any individual named in the records. Conformity with federal procedures shall be sought where the institution maintains federal deposit insurance. The commissioner has and may exercise reasonable discretion as to the time, manner, and extent the other records in his or her office and the information contained in the records are available for public examination;

(2) Require all financial institutions to comply with all the provisions of this chapter and other applicable laws, or any rule promulgated or order issued thereunder;

(3) Investigate all alleged violations of this chapter and all other laws which he or she is required to enforce and of any rule promulgated or order issued thereunder; and

(4) Require a criminal background investigation, including requiring fingerprints for submission to the Federal Bureau of Investigation or any governmental agency or entity authorized to receive such information for a state, national, or international criminal history check, of each:

(A) Applicant seeking approval to charter and/or control a state bank, state credit union, or a foreign bank state agency or representative office;

(B) Applicant seeking a license to engage in the business of money transmission, currency exchange, or other activity regulated under §32A-2-1 *et seq.* of this code;

(C) Applicant subject to the commissioner's supervision seeking a license to engage in the business of regulated consumer lending, mortgage lending, or brokering; and

(D) Division of ~~Banking~~ Financial Institutions regulatory employee applicants.

(E) ~~Provided, That. The provisions of this subdivision are not applicable~~ where the applicant is a company or entity already subject to supervision and regulation by the Federal Reserve Board or other federal bank, thrift, or credit union regulator, or is a direct or indirect subsidiary of a company or entity subject to the supervision and regulation, or where the applicant is a company subject to the supervision and regulation of the federal Securities and Exchange Commission whose stock is

publicly traded on a registered exchange or through the National Association of Securities Dealers automated quotation system, or the applicant is a direct or indirect subsidiary of such a company, the investigation into criminal background is not required. The provisions of this subdivision are not applicable to applicants seeking interim bank charters organized solely for the purpose of facilitating the acquisition of another bank pursuant to §31A-4-5 of this code. ~~Provided, however, That The requirements of this subdivision are applicable to the principals of the applicant where a nonexempt applicant under this subdivision is not a natural person. the principals of the applicant are subject to the requirements of this subdivision~~ As used in this subdivision, the term 'principals' means the chief executive officer, regardless of title, managing partner if a partnership, members of the organizing group if no chief executive officer has yet been appointed, trustee, or other person controlling the conduct of the affairs of a licensee. A person controlling 10 percent or more of the stock of any corporate applicant shall be considered to be a principal under this provision. Notwithstanding any other provision of this code to the contrary, the commissioner may determine alternate acceptable forms for background check information for direct or indirect principals of a licensee or applicant for a mortgage lender or broker license or a money transmission license who are not residents of the United States if such licensee or applicant also has owners or principals who are residents of the United States and the division has been provided adequate background information, as provided in this subdivision, for such owners or principals of the licensee or applicant who are United States residents. The commissioner may establish relationships or contracts with the Nationwide Mortgage Licensing System and Registry or other entities designated by the Nationwide Mortgage Licensing System and Registry to collect and maintain records related to criminal background investigations and fingerprints of persons subject to this subsection.

(A) To reduce the points of contact which the Federal Bureau of Investigation may have to maintain, the commissioner may use the Nationwide Mortgage Licensing System and Registry or its designated vendor as a channeling agent for requesting information from and distributing information to the Department of Justice or any governmental agency.

(B) To reduce the points of contact which the commissioner may have to maintain, the commissioner may use the Nationwide Mortgage Licensing System and Registry as a channeling agent for requesting and distributing information to and from any source so directed by the commissioner.

(c) In addition to all other authority and powers vested in the commissioner by provisions of this chapter and other applicable laws, the commissioner may:

(1) Provide for the organization of the division and the procedures and practices of the division and implement the procedures and practices by the promulgation of rules and forms as appropriate and the rules shall be promulgated in accordance with §29A-3-1 *et seq.* of this code;

(2) Employ, direct, discipline, discharge, and establish qualifications and duties for all personnel for the division, including, but not limited to, examiners, assistant examiners, conservators, and receivers, establish the amount and condition of bonds for the personnel he or she considers appropriate and pay the premiums on the bonds and, if he or she elects, have all personnel subject to and under the classified service of the state personnel division;

(3) Cooperate with organizations, agencies, committees, and other representatives of financial institutions of the state in connection with schools, seminars, conferences, and other meetings to improve the responsibilities, services, and stability of the financial institutions;

(4) In addition to the examinations required by §31A-2-6 of this code, inspect, examine, and audit the books, records, accounts, and papers of all financial institutions and any third-party vendor providing information technology services to financial institutions at such times as circumstances in his or her opinion may warrant;

(5) Call for and require any data, reports, and information from financial institutions under his or her jurisdiction, at such times and in such form, content, and detail considered necessary by him or her in the faithful discharge of his or her duties and responsibilities in the supervision of the financial institutions;

(6) Subject to the powers vested in the board by §31A-3-1 *et seq.* of this code, supervise the location, organization, practices, and procedures of financial institutions and, without limitation on the general powers of supervision of financial institutions, require financial institutions to:

(A) Maintain their accounts consistent with rules prescribed by the commissioner and in accordance with generally accepted accounting practices;

(B) Observe methods and standards which he or she may prescribe for determining the value of various types of assets;

(C) Charge off the whole or any part of an asset which at the time of his or her action could not lawfully be acquired;

(D) Write down an asset to its market value;

(E) Record or file writings creating or evidencing liens or other interests in property;

(F) Obtain financial statements from prospective and existing borrowers;

(G) Obtain insurance against damage and loss to real estate and personal property taken as security;

(H) Maintain adequate insurance against other risks as he or she may determine to be necessary and appropriate for the protection of depositors and the public;

(I) Maintain an adequate fidelity bond or bonds on its officers and employees;

(J) Take other action that in his or her judgment is required of the institution in order to maintain its stability, integrity, and security as required by law and all rules promulgated by him or her; and

(K) Verify any or all asset or liability accounts;

(7) Subject to the powers vested in the board by §31A-3-1 *et seq.* of this code, receive from any person or persons and consider any request, petition, or application relating to the organization, location, conduct, services, policies, and procedures of any financial institution and to act on the request, petition, or application in accordance with any provisions of law applicable thereto;

(8) In connection with the investigations required by §31A-2-4(b)(3) of this code, issue subpoenas and subpoenas duces tecum, administer oaths, examine persons under oath, and hold and conduct hearings. Any subpoenas or subpoenas duces tecum shall be issued, served, and enforced in the manner provided in §29A-5-1 of this code. Any person appearing and testifying at a hearing may be accompanied by an attorney employed by him or her;

(9) Issue declaratory rulings in accordance with the provisions of §29A-4-1 of this code;

(10) Study and survey the location, size, and services of financial institutions, the geographic, industrial, economic, and population factors affecting the agricultural, commercial, and social life of the state, and the needs for reducing, expanding, or otherwise modifying the services and facilities of financial institutions in the various parts of the state, and compile and keep current data thereon to aid and guide him or her in the administration of the duties of his or her office;

(11) Implement all of the provisions of this chapter, except the provisions of §31A-3-1 *et seq.* of this code, and all other laws which he or she is empowered to administer and enforce by the promulgation of rules in accordance with the provisions of §29A-3-1 *et seq.* of this code;

(12) Implement the provisions of chapter 46A of this code applicable to consumer loans and consumer credit sales by the promulgation of rules in accordance with the provisions of §29A-3-1 *et seq.* of this code as long as the rules do not conflict with any rules promulgated by the state's Attorney General;

(13) Foster and encourage a working relationship between the Division of Banking Financial Institutions and financial institutions, credit, consumer, mercantile, and other commercial and finance groups and interests in the state in order to make current appraisals of the quality, stability, and availability of the services and facilities of financial institutions;

(14) Provide to financial institutions and the public copies of the West Virginia statutes relating to financial institutions, suggested drafts of bylaws commonly used by financial institutions, and any other forms and printed materials found by him or her to be helpful to financial institutions, their shareholders, depositors, and patrons and make reasonable charges for the copies;

(15) Delegate the powers and duties of his or her office, other than the powers and duties excepted in this subdivision, to qualified division personnel who shall act under the direction and supervision of the commissioner and for whose acts he or she is responsible, but the commissioner may delegate to the deputy commissioner of banking financial institutions and to no other division personnel the following powers, duties and responsibilities, all of which are hereby granted to and vested in the commissioner and for all of which the commissioner also is responsible. The commissioner shall:

(A) Order any person to cease violating any provision or provisions of this chapter or other applicable law or any rule promulgated or order issued thereunder;

(B) Order any person to cease engaging in any unsound practice or procedure which may detrimentally affect any financial institution or depositor of the financial institution;

(C) Revoke the certificate of authority, permit, or license of any financial institution except a banking institution in accordance with the provisions of §31A-2-13 of this code; and

(D) Accept an assurance in writing that the person will not in the future engage in the conduct alleged by the commissioner to be unlawful, which could be subject to an order under the provisions of this chapter. This assurance of voluntary compliance shall not be considered an admission of violation for any purpose, except that if a person giving the assurance fails to comply with its terms, the assurance is prima facie evidence that prior to this assurance the person engaged in conduct described in the assurance;

(16) Seek and obtain civil administrative penalties against any person who violates this chapter, the rules issued pursuant to this chapter, or any orders lawfully entered by the commissioner or board of banking and financial institutions in an amount not more than \$5,000 per day for each violation: *Provided*, That all of the pertinent provisions of §29A-5-1 *et seq.* of this code shall apply to any assessment of a penalty under this subsection;

(17) Receive from state banking institutions applications to change the locations of their principal offices and to approve or disapprove these applications;

(18) Expend funds in order to promote consumer awareness and understanding of issues related to residential mortgage lending. In furtherance of this duty, there is established in the State Treasury a special revenue account to be known as the Consumer Education Fund, which shall be

administered by the Commissioner of ~~Banking~~ Financial Institutions. Ten percent of all civil administrative penalties collected by the Division of ~~Banking~~ Financial Institutions during each fiscal year shall be deposited into the fund and may be expended by the commissioner to promote consumer awareness and understanding of issues related to residential mortgage lending. The account shall be a special revenue account and may be invested and retain all earnings and interest. Any remaining balance less than \$500,000, including accrued interest, in the fund at the end of the fiscal year shall not revert to the General Revenue Fund, but shall remain in the account. Any balance which exceeds \$500,000 as of June 30, 2012, and each year thereafter, shall revert to the General Revenue Fund; and

(19) Take other action as he or she may consider necessary to enforce and administer the provisions of this chapter, except the provisions of §31A-3-1 *et seq.* of this code, and all other laws which he or she is empowered to administer and enforce and apply to any court of competent jurisdiction for appropriate orders, writs, processes, and remedies.”

The bill was then ordered to third reading.

Com. Sub. for S. B. 510, Relating to medical professional liability; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Miscellaneous Business

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

- Delegate Hanshaw (Mr. Speaker) regarding the presentation by the West Virginia Schools for the Deaf and Blind

- Delegate Steele regarding the final amendment offered to Com. Sub. for H. B. 2519 by Delegate Shott

- Delegates Walker, Kessinger and Malcolm regarding Com. Sub. for H. B. 2519

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

- Delegate Nelson for H. B. 2603

At 11:13 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 28, 2019.

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

SPECIAL CALENDAR

Thursday, February 28, 2019

51st Day

11:00 A. M.

THIRD READING

- Com. Sub. for S. B. 157 - Authorizing Department of Administration promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- S. B. 440 - Relating to Antihazing Law (SHOTT) (REGULAR)
- S. B. 453 - Relating to background checks of certain financial institutions (SHOTT) (REGULAR)
- Com. Sub. for S. B. 510 - Relating to medical professional liability (SHOTT) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 295 - Relating to crimes against public justice (SHOTT) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 60 - Licensing practice of athletic training (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING) (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 310 - Establishing certain requirements for dental insurance (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 641 - Relating to Primary Care Support Program (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING) (ELLINGTON) (REGULAR)

HOUSE CALENDAR

Thursday, February 28, 2019

51st Day

11:00 A. M.

THIRD READING

- H. B. 2729 - Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2931 - Clarifying that the State Lottery Commission has no authority over nonlottery games (SHOTT) (REGULAR)
- Com. Sub. for H. B. 3105 - Permitting the Alcohol Beverage Control Administration to request the assistance of law enforcement (HOWELL) (REGULAR)
- H. B. 3136 - Relating to the Centers for Medicare and Medicaid Services (HOUSEHOLDER) (REGULAR)
- H. B. 3137 - Relating to the personal income tax fund (HOUSEHOLDER) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 408 - Determining indigency for public defender services (SHOTT) (REGULAR)
- Com. Sub. for S. B. 518 - Restricting sale and trade of dextromethorphan (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING) (ELLINGTON) (REGULAR)
- Com. Sub. for S. B. 529 - Clarifying provisions of Nonintoxicating Beer Act (SHOTT) (REGULAR)
- S. B. 545 - Relating to HIV testing (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING) (ELLINGTON) (EFFECTIVE FROM PASSAGE)
- S. B. 593 - Permitting critical access hospital become community outpatient medical center (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2008 - Relating to nonpartisan election of justices of the Supreme Court of Appeals (SHOTT) (REGULAR)

- Com. Sub. for H. B. 2433 - Modifying the school calendar to begin not earlier than Labor Day and end prior to Memorial Day (HAMRICK) (REGULAR)
- Com. Sub. for H. B. 2441 - Removing certain requirements related to wages for construction of public improvements (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2597 - Creating a hunting permit to safely accommodate visually impaired hunters (SHOTT) (REGULAR)
- H. B. 2692 - Relating to primary elections and procedures (HOWELL) (REGULAR)
- H. B. 2732 - Defend the Guard Act (MCGEEHAN) (REGULAR)
- H. B. 2819 - Relating generally to contractors (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)
- H. B. 2953 - Permitting a critical access hospital to become a community outpatient medical center (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2976 - Economic Diversification Act of 2019 (CRISS) (REGULAR)
- Com. Sub. for H. B. 2980 - Mine Trespass Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 3100 - Clarifying certain provisions of the Nonintoxicating Beer Act (HOWELL) (REGULAR)
- Com. Sub. for H. B. 3103 - Authorizing operators of a distillery or mini-distillery to offer for purchase and consumption liquor on the premises (HOWELL) (REGULAR)
- Com. Sub. for H. B. 3116 - Removing current limitations on sales of nonintoxicating beer and nonintoxicating craft beer growlers (HOWELL) (REGULAR)
- H. B. 3147 - Requiring the Board of Insurance and Risk Management purchase life insurance products from state resident agents (HOWELL) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2179 - Allowing nonmembers of a political party to request that party's partisan ballot at a primary election (SHOTT) (REGULAR)

WEST VIRGINIA HOUSE OF DELEGATES

THURSDAY, FEBRUARY 28, 2019

HOUSE CONVENES AT 11:00 A.M.

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

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

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

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

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

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