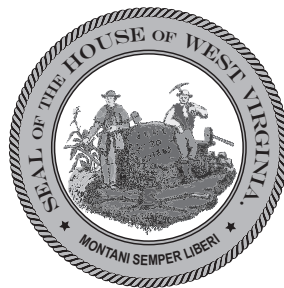


West Virginia Legislature

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January 20, 2020
THIRTEENTH DAY

Monday, January 20, 2020

THIRTEENTH 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 Friday, January 17, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Summers announced that Com. Sub. for H. B. 4096, on third reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

Delegate Howell, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 4207, Department of Administration, exemptions from management services provided by the fleet management division,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4207) was referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration:

H. J. R. 102, Providing the West Virginia Legislature rulemaking oversight of the board of education,

And reports the same back with the recommendation that it be adopted.

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

Your Committee on the Judiciary has had under consideration:

H. B. 4058, Relating to pharmacy benefit managers,

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

Com. Sub. for H. B. 4058 - "A Bill to amend and reenact §33-51-8 and §33-51-10 of the Code of West Virginia, 1931, as amended, all relating to pharmacy benefit managers; civil penalties; rules required,"

With the recommendation that the committee substitute do pass.

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

Your Committee on the Judiciary has had under consideration:

H. B. 2185, Relating to the removal of animals left unattended in motor vehicles,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2185) was referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration:

H. B. 4094, Continuing the Foster Care Ombudsman,

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

Com. Sub. for H. B. 4094 - "A Bill amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-9-101, §49-9-102, §49-9-103, §49-9-104, §49-9-105, §49-9-106, §49-9-107, §49-9-108, §49-9-109, and §49-9-110, all relating to the Foster Care Ombudsman Program; continuing the Foster Care Ombudsman; providing authority to the ombudsman; permitting access to foster care children; providing access to certain records; providing the ombudsman with subpoena authority; requiring government entities to cooperate with the ombudsman; requiring investigations to remain confidential; providing the ombudsman with a limitation of liability; setting forth criminal penalties; providing funding for the ombudsman,"

With the recommendation that the committee substitute do pass.

On motion for leave a bill was introduced (Originating in the Committee on Senior, Children, and Family Issues and reported with the recommendation that it do pass, but that it first be referred to the Committee on Health and Human Resources), which was read by its title, as follows:

By Delegates Rowan, Campbell, Rohrbach, Estep-Burton, Pyles, C. Martin, Boggs, Toney, Mandt, Lovejoy and Graves:

H. B. 4414 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-1-20, §16-1-21 all relating to the selection of language and developmental milestones to develop a resource for use by parents to monitor and track deaf and

hard-of-hearing children's receptive and expressive language acquisition in the language(s) and communication mode chosen by the parents, and developmental stages toward English literacy."

The Speaker referred the bill to the Committee on Health and Human Resources.

On motion for leave a bill was introduced (Originating in the Committee on Senior, Children, and Family Issues and reported with the recommendation that it do pass, but that it first be referred to the Committee on Health and Human Resources), which was read by its title, as follows:

By Delegates Rowan, Rohrbach, Boggs, Estep-Burton, Pyles, C. Martin, Toney, Mandt, Lovejoy, Sypolt and Hanna:

H. B. 4415 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §15-3D-9, §49-6-116, and amending §§15-3D-3, 49-6-103, 49-6-105, 49-6-106, 49-6-110, 49-6-112, 49-6-113, and 49-6-114 all relating to missing and endangered children of this state."

The Speaker referred the bill (H. B. 4415) to the Committee on Health and Human Resources.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 35 - "A Bill to amend and reenact §22-15A-4 of the Code of West Virginia, 1931, as amended, relating to limiting the civil penalty for persons convicted of littering to an amount up to \$2,000"; 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. 46 - "A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-7-2 of said code, all relating to defining 'pepper spray'; exempting pepper spray from definition of 'deadly weapons'; providing that persons over 16 years of age may carry pepper spray for the purpose of self-defense; and providing that such persons may carry pepper spray in the State Capitol Complex"; 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. 140 - "A Bill to amend and reenact §6-7-5 of the Code of West Virginia, 1931, as amended, relating to changing the rate at which certain judges are paid for mileage when traveling within the state"; which was referred to the Committee on Finance.

A message from the Senate, by

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

S. B. 170 - "A Bill to amend and reenact §11-21-20 of the Code of West Virginia, 1931, as amended, relating to personal income tax; alleviating double taxation on foreign income at the state

level; and sunsetting the credit for income tax paid on foreign income in 2069”; which was referred to the Committee on Finance.

A message from the Senate, by

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

Com. Sub. for S. B. 207 – “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, and §7-4A-7, 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; and setting forth requirements for appointment as a prosecuting attorney’s detective”; 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 July 1, 2020, and requested the concurrence of the House of Delegates in the passage, of

S. B. 310 - “A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; and specifying effective dates”; which was referred to the Committee on Finance.

Resolutions Introduced

Delegates Cooper, Pack, Bibby, Rowan, Hott and Cadle offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 19 - “Requesting the Division of Highways name that portion of West Virginia Route 3 beginning at its intersection with Keenan Road and ending at Gap Mills in Monroe County, the ‘Gold Star Families Highway’.”

Whereas, United States military service members don’t serve alone. In 2015, there was a reported total of 1,728,710 family members who served alongside their Active Duty service member. Of that number, there were 1,076,803 children and 641,639 spouses; and

Whereas, Starting in World War I, the families of U. S. soldiers and sailors often flew flags that had a blue star for each member of the family that was serving in the military. If one of them died in battle, the blue star was changed to a gold star. In August of 1947, the United States Congress authorized the military to present a gold star lapel pin to the family members of those killed in action. That first pin was a simple gold star on a purple background with a laurel wreath around the star. Another pin, a gold star with a gold background and four oak sprigs around the star, was authorized by Congress in 1973. It was awarded to the next of kin of service members who died during military service; and

Whereas, Now families who have had a family member killed in action are referred to as Gold Star Families; and

Whereas, It is fitting that a proper memorial be established for these West Virginia families who have had a member of their family die in their defense of their country and the State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name that portion of West Virginia Route 3 beginning at its intersection with Keenan Road and ending at Gap Mills in Monroe County, the “Gold Star Families Highway”; and, be it

Further Resolved, That the Division of Highways is requested to erect signs containing bold and prominent letters proclaiming that portion of the highway as the ‘Gold Star Families Highway’; and, be it

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

And,

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

H. C. R. 20 - “Requesting the Division of Highways name bridge number 18-77-119.23 NB & SB(18A147, 18A148), Lat/Long: 38.58855, -81.64116 locally known as Spicewood Bridges NB & SB, carrying IS 77 over Spicewood Branch and CR 21/34 in Jackson County, the ‘U. S. Army PFC James Ray Miller Memorial Bridge’.”

Whereas, PFC James Ray Miller was born in Kenna, West Virginia on January 29, 1948; and

Whereas, James Ray Miller enlisted in the United States Army; and

Whereas, James Ray Miller was a member of C Company, 4th Battalion, 23rd Infantry, 25th Infantry Division; and

Whereas, James Ray Miller was deployed to Vietnam on March 10, 1968, and engaged the enemy forces in Tay Ninh Province on September 16, 1968, where he was killed in action; and

Whereas, James Ray Miller was awarded the Purple Heart, the National Defense, Vietnam Service and Vietnam Campaign medals for his valiant service for his country; and

Whereas, It is fitting that an enduring memorial be established to commemorate PFC James Ray Miller and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 18-77-119.23 NB & SB (18A147, 18A148), locally known as the Spicewood Bridges, carrying IS-77 over Spicewood Branch and CR 21/34 in Jackson County, the “U. S. Army PFC James Ray Miller Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army PFC James Ray Miller Memorial Bridge”; and, be it

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

On motion for leave, a Joint Resolution was introduced, read by its title and referred as follows:

By Delegates Linville, Rohrbach, Waxman, Little and Maynard:

H. J. R. 107 - "Proposing an amendment to the Constitution of the State of West Virginia, repealing article VI, section 56 thereof; and amending section 52, article VI thereof, giving the Legislature discretion in appropriating revenue generated from motor vehicle registrations and nongame wildlife motor vehicle registration plates; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Technology and Infrastructure then the Judiciary.

Bills Introduced

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

By Delegates Steele, Kessinger, Pack, Dean, Hill, Ellington, Shott, Maynard, Paynter, Hanna and Mandt:

H. B. 4420 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7L-1, relating to creating the Opioid Litigation Fund; requiring all proceeds from opioid litigation and settlements be deposited into the fund and equally distributed to the children of opioid abusers; establishing eligibility criteria; setting forth the requirements of the State Treasurer; and requiring rule-making"; to the Committee on Health and Human Resources then Finance.

By Delegates Householder, J. Kelly, Criss, Westfall, Anderson, Storch, Graves, Rowan, Pack, Linville and Maynard:

H. B. 4421 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2J-1 and §5B-2J-2; and to amend said code by adding thereto a new article, designated §11-13BB-1, §11-13BB-2, §11-13BB-3, §11-13BB-4, §11-13BB-5, §11-13BB-6, §11-13BB-7, §11-13BB-8 and §11-13BB-9, all relating creating the Natural Gas Liquids Economic Development Act of 2020; providing a short title; making legislative findings and declarations; defining terms; authorizing the Tax Commissioner to promulgate rules; providing a tax credit for production, transportation, storage, use and consumption of natural gas liquids, including related facilities; providing for carry forward of unused credits, providing for recapture of credits; providing for report to Legislature on tax credits applied; and providing for an effective date"; to the Committee on Energy then Finance.

By Delegates Boggs, Rohrbach, Ellington, Staggers, Westfall, Lovejoy, N. Brown, Hartman, Shott and Evans:

H. B. 4422 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-59-1, §16-59-2, and §16-59-3, all relating to prohibiting patient brokering; defining terms; prohibiting causing or participating in acts that are intended to derive any benefit or profit from referral of a patient to a healthcare provider or health care facility; establishing criminal penalties for persons and business entities engaged in unlawful patient brokering; providing exceptions; and defining terms"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hill, Pack, Kessinger, Cowles, Worrell, Angelucci, Barrett, Diserio and Swartzmiller:

H. B. 4423 - "A Bill to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12 and §30-7D-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-5AA-7, §16-5AA-8, §16-5AA-9 and §16-5AA-10, all relating to permitting a nursing home to use trained individuals to

administer medication under the direction of a registered professional nurse; defining terms; authorizing approved medication assistive personnel (AMAP) to administer medication in nursing home; providing certain exemptions from chapter 30 licensing requirements; establishing requirements for training curricula and national medication aide certification examination procedures; establishing eligibility criteria; establishing procedures by which AMAP must administer medication; requiring nursing homes using AMAP to establish an administrative monitoring system; permitting a registered professional nurse to withdraw authorization for AMAP to administer medications in certain circumstances; allowing certain fees to be collected; providing limits on administration of medication by AMAP; providing that use of AMAP in nursing homes is permissive; and repealing a pilot program designed to monitor the practice of unlicensed personnel administering medication in a nursing home setting”; to the Committee on Health and Human Resources.

By Delegates Staggers and Boggs:

H. B. 4424 - “A Bill to amend and reenact §16-4C-6 of the Code of West Virginia, 1931, as amended, relating to having a single command center of the office of Emergency Medical Services to be located in Sutton, West Virginia”; to the Committee on Veterans’ Affairs and Homeland Security then Finance.

By Delegates Linville, Howell, Rohrbach, Wilson, Maynard and Summers:

H. B. 4425 - “A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating generally to the issuance of driver licenses; permitting the waiving of certain fees for individuals who have been diagnosed by a U.S. licensed optometrist or ophthalmologist as being legally blind; providing that proof that a person seeking a driver’s license is a veteran need only be provided upon the initial application and is not required for subsequent renewals; and providing that veterans over 65 years of age be granted a lifetime driver’s license subject to an eye examination every five years”; to the Committee on Health and Human Resources then Finance.

By Delegates Doyle, Barrett, Householder and S. Brown:

H. B. 4426 - “A Bill to repeal §30-27-11a of the Code of West Virginia, 1931, as amended; to amend and reenact §30-27-1 and §30-27-3 of said code; and to amend said code by adding thereto a new section, designated §30-27-8c, all relating to permits issued by the Board of Barbers and Cosmetologists; repealing the requirement for shampoo assistant to have permits; amending defined terms; and authorizing the board to establish an apprenticeship program for cosmetologists”; to the Committee on Government Organization.

By Delegates Hill, Pack, Atkinson, Criss, Summers and Estep-Burton:

H. B. 4427 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated, §30-21A-1, §30-21A-2, §30-21A-3, §30-21A-4, §30-21A-5, §30-21A-6, §30-21A-7, §30-21A-8, §30-21A-9, §30-21A-10, §30-21A-11, §30-21A-12 and §30-21A-13, all relating to the Psychology Interjurisdictional Compact; providing for definitions; providing for increased public access to professional psychological services by permitted psychologists to practice across state lines; providing for temporary psychological services; providing for the state’s ability to protect the health and welfare of its citizens; providing for the cooperation and exchange of information in Compact States; providing for cooperation of Compact States in licensure and regulation; providing for adverse actions; providing for enforcement mechanisms for compliance with the Compact; providing for coordinated efforts between Compact States of holding psychologists accountable to the Compact; providing for effective dates of rules upon induction to the Compact; providing for duties and authority of the Commission; providing for election procedures for Commission members; providing for alternative dispute resolution methods; providing for venue for legal action taken against the Commission; providing for withdrawal from the Compact; and providing for construction and severability of the terms of the Compact”; to the Committee on Health and Human Resources.

By Delegates Fleischauer, Hornbuckle, Walker, Lavender-Bowe, Estep-Burton, S. Brown, Pyles, Storch, Sypolt, Caputo and Zukoff:

H. B. 4428 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-9b, relating to the 'Katherine Johnson and Dorothy Vaughan Fair Pay Act of 2020'; honoring Katherine Johnson and Dorothy Vaughan; making it unlawful for an employer to require, as a condition of employment, that an employee refrain from disclosing information about his or her wages, benefits, or other compensation or sharing information about another employee's wages, benefits, or other compensation; making it unlawful for an employer to require a waiver of employees' rights to disclose information about his or her wages, benefits, or other compensation or to share information about another employee's wages, benefits, or other compensation; and limiting employers' inquiry into applicants' wage and salary history"; to the Committee on Industry and Labor then the Judiciary.

By Delegates Graves, Anderson, Evans, McGeehan, Nelson, Pack and Pethtel:

H. B. 4429 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22-28a, relating to the distribution of the assets remaining in a municipal policemen's or firemen's pension and relief fund upon the death of the last remaining retiree or beneficiary receiving benefits under the fund"; to the Committee on Fire Departments and Emergency Medical Services then Finance.

By Delegates Fast, C. Martin, Dean, Bibby, Hardy, P. Martin, Rowan, Hott, Howell and Toney:

H. B. 4430 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-6-20a, relating to creating the misdemeanor offense of falsely filing a complaint against a law-enforcement office; and providing a criminal penalty"; to the Committee on the Judiciary.

By Delegates Fast, C. Martin, Howell, Bibby, Hardy and P. Martin:

H. B. 4431 - "A Bill to amend and reenact §16-13A-9 of the Code of West Virginia, 1931, as amended, relating to notice of discontinuance of service by a utility"; to the Committee on the Judiciary.

By Delegates Pushkin, Shott and Kessinger:

H. B. 4432 - "A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to the removal of limitations on the expungement of certain criminal convictions"; to the Committee on the Judiciary.

By Delegates Nelson and Criss:

H. B. 4433 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §38-1-2a, all relating to deeds of trust; form of deeds of trust; recording of memorandum of deeds of trust; how deeds of trust are construed; and the duties and rights of parties to a deed of trust"; to the Committee on the Judiciary.

By Delegates Summers, Hill, Pack, Cowles, Foster, Rowan, Worrell, Barrett, Diserio, Swartzmiller and Angelucci:

H. B. 4434 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding there to a new article, designated §5B-2J-1, §5B-2J-2, §5B-2J-3, §5B-2J-4 and §5B-2J-5, all relating to the study of the health care workforce; setting forth legislative findings, defining terms; directing the Department of Commerce to research, survey, study, and issue a report; setting forth the contents of the research, survey, study and report; and deeming any documentary material, data or other writing made or received by the department for the purpose of conducting the research, survey, study, or

report to be confidential trade secrets which are exempt from disclosure”; to the Committee on Health and Human Resources then Finance.

Special Calendar

Third Reading

H. B. 4010, Changing the licensing requirement for certain casino employees; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Howell asked and obtained unanimous consent to amend the bill on third reading, and the rule was suspended to permit the offering and consideration of such.

On motion of Delegate Howell, the bill was amended on page ten, section four, line fifty five, after the words “effective date of”, by striking out the words “this article” and inserting in lieu thereof the “the amendments to this article enacted during the 2020 Regular Session”.

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. 15**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Fast and Porterfield.

Absent and Not Voting: Ellington and Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4010) 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. 4062, Reducing the cost of prescription drugs; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Summers, and by unanimous consent, the bill was postponed one day.

Com. Sub. for H. B. 4091, Allowing for expedited oil and gas well permitting upon payment of applicable expedited fees; 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. 16**), 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: Ellington and Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4091) passed.

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

Com. Sub. for H. B. 4091 – “A Bill to amend and reenact §22-6A-7 of the Code of West Virginia, 1931, as amended, relating to allowing for expedited oil and gas well permitting for certain wells under the Natural Gas Horizontal Well Control Act upon payment of applicable expedited fees; allowing expedited oil and gas well permit modifications under the same Act upon the payment of applicable expedited fees; permitting one half of any residual fees to be deposited in the Oil and Gas Operating Permit and Processing Fund; permitting one half of any residual fees to be deposited in the Oil and Gas Reclamation Fund; providing for the daily pro rata refund of the horizontal well expedited fee if the permit is not approved between day 45 and day 60 after the submission of a permit application; providing for the daily pro rata refund of the modification fees between day 20 and day 30 after the submission of a permit modification application; providing for a maximum cap amount of \$1 million for all residual fees from this article to be deposited in the Oil and Gas Operating Permit and Processing Fund; and providing that any balance in the Oil and Gas Reclamation Fund at the end of a fiscal year remain in the special revenue account and not be remitted to the General Revenue Fund.”

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

Second Reading

Com. Sub. for H. B. 4017, Establishing country roads accountability and transparency; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4020, Removing authority of municipalities to require occupational licensure if licensure for the occupation is required by the state; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Howell, the bill was amended on page one, section 20, line one, after the phrase “provided by this”, by striking out the word “article” and inserting in lieu thereof the word “chapter”.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4108, Relating generally to certificates of need for health care services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4130, Relating to competitive bidding for government construction contracts arising out of declared states of emergency; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended, on page two, section one-a, line eleven, following the word “unable”, by striking out the word “to” and inserting in lieu thereof “or”.

An amendment offered by Delegates Fleischauer and Summers, was reported by the Clerk on page two, section one-a, lines twenty-one through twenty-four, by striking out subsection (d) in its entirety, and inserting in lieu thereof the following:

“(d) For projects limited to the construction or replacement of one or more residential dwellings, the state agency responsible for overseeing the work may, in its discretion, choose not to require an entity to whom the contract is awarded to furnish payment or performance bonds, but only if it clearly indicates in the solicitation for bids that payment or performance bonds will not be required.”

Delegate Fleischauer then asked and obtained unanimous consent to reform the amendment.

On motion of Delegates Fleischauer and Summers, the bill was amended on page two, section one-a, lines twenty-one through twenty-four, by striking out subsection (d) in its entirety, and inserting in lieu thereof the following:

“(d) For projects limited to the construction or replacement of one or more residential dwellings or appurtenances, the state agency responsible for overseeing the work may, in its discretion, choose not to require an entity to whom the contract is awarded to furnish payment or performance bonds, but only if it clearly indicates in the solicitation for bids that payment or performance bonds will not be required.”

The bill was then ordered to engrossment and third reading.

H. B. 4141, Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 2086, Uniform Real Property Electronic Recording Act,

Com. Sub. for H. B. 4077, Increasing the amount of the bond required to be posted by proprietary schools,

Com. Sub. for H. B. 4119, Establishing the crime of torture,

Com. Sub. for H. B. 4275, Fire Commission, state fire code,

H. B. 4417, Relating to permitting professional boards,

And,

H. B. 4419, Relating to the Controlled Substance Monitoring Database.

Leaves of Absence

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

Miscellaneous Business

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

- Delegate Porterfield for H. B. 2309, H. B. 2775, H. B. 4002, H. B. 4140, H. B. 4146, H. B. 4149, H. B. 4229, H. B. 4297, H. B. 4393 and H. B. 4406
- Delegates Butler and McGeehan for H. C. R. 8

At 11:47 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 21, 2020.

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

SPECIAL CALENDAR

Tuesday, January 21, 2020

14th Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 4017 - Establishing country roads accountability and transparency (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4020 - Removing authority of municipalities to require occupational licensure if licensure for the occupation is required by the state (HOWELL) (REGULAR)
- H. B. 4062 - Reducing the cost of prescription drugs (HILL) (REGULAR)
- Com. Sub. for H. B. 4108 - Relating generally to certificates of need for health care services (HILL) (REGULAR)
- H. B. 4130 - Relating to competitive bidding for government construction contracts arising out of declared states of emergency (SHOTT) (EFFECTIVE FROM PASSAGE)
- H. B. 4141 - Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December (HOWELL) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2086 - Uniform Real Property Electronic Recording Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4077 - Increasing the amount of the bond required to be posted by proprietary schools (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 4119 - Establishing the crime of torture (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4275 - Fire Commission, state fire code (SHOTT) (EFFECTIVE FROM PASSAGE)
- H. B. 4417 - Relating to permitting professional boards (ROHRBACH) (REGULAR)
- H. B. 4419 - Relating to the Controlled Substance Monitoring Database (ROHRBACH) (REGULAR)

FIRST READING

- H. J. R. 102 - Providing the West Virginia Legislature rulemaking oversight of the board of education (SHOTT)
- Com. Sub. for H. B. 4058 - Relating to pharmacy benefit managers (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4094 - Continuing the Foster Care Ombudsman (SHOTT) (REGULAR)

HOUSE CALENDAR

Tuesday, January 21, 2020

14th Day

11:00 A. M.

UNFINISHED BUSINESS

H. R. 3 - Amending the Rules of the House of Delegates, relating to remarks by members

THIRD READING

Com. Sub. for H. B. 4096 - Requiring candidates to live in the state or local election district for the office for which they are seeking (SHOTT) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

TUESDAY, JANUARY 21, 2020

HOUSE CONVENES AT 11:00 A.M.

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

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

**COMMITTEE ON EDUCATION
9:00 A.M. – ROOM 434 M**

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

**VETERANS AFFAIRS AND HOMELAND SECURITY
2:00 P.M. – ROOM 215 E**

**COMMITTEE ON ENERGY
4:00 P.M. – ROOM 418 M**

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