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FOURTEENTH DAY

Tuesday, January 21, 2020

FOURTEENTH DAY

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

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

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

The Clerk proceeded to read the Journal of Monday, January 20, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

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

H. B. 4215, Commissioner of Agriculture, captive cervid farming,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4215) was referred to the Committee on the Judiciary.

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

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

H. B. 4208, Commissioner of Agriculture, animal disease control,

H. B. 4209, Commissioner of Agriculture, fresh food act,

H. B. 4210, Commissioner of Agriculture, poultry rules for hatcheries, growers and contractors pertaining to poultry disease control and eradication,

H. B. 4211, Commissioner of Agriculture, grade "A" pasteurized milk,

H. B. 4212, Commissioner of Agriculture, WV manufacture-grade milk,

H. B. 4213, Commissioner of Agriculture, WV exempted dairy farms and milk and milk products processing rules,

H. B. 4214, Commissioner of Agriculture, West Virginia spay neuter assistance program,

H. B. 4260, Commissioner of Agriculture, auctioneers,

H. B. 4261, Commissioner of Agriculture, employment reference and inquiries and background checks,

H. B. 4262, Commissioner of Agriculture, industrial hemp,

And,

H. B. 4264, Commissioner of Agriculture, farmers markets,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4208, H. B. 4209, H. B. 4210, H. B. 4211, H. B. 4212, H. B. 4213, H. B. 4214, H. B. 4260, H. B. 4261, H. B. 4262 and H. B. 4264) were each referred to the Committee on the Judiciary.

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

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

H. B. 4224, Division of Forestry, sediment control during commercial timber-harvesting operations-licensing,

H. B. 4225, Division of Forestry, sediment control during commercial timber-harvesting operations-logger certification,

H. B. 4236, Division of Natural Resources, commercial whitewater outfitters,

H. B. 4237, Division of Natural Resources, transporting and selling wildlife pelts and parts,

H. B. 4238, Division of Natural Resources, boating rule,

H. B. 4239, Division of Natural Resources, special requirements concerning boating,

H. B. 4240, Division of Natural Resources, defining the terms used in all hunting and trapping,

H. B. 4241, Division of Natural Resources, prohibitions when hunting and trapping,

H. B. 4242, Division of Natural Resources, catching and selling bait fish,

H. B. 4243, Division of Natural Resources, falconry,

H. B. 4305, Division of Natural Resources, special boating rule,

H. B. 4306, Division of Natural Resources, public use of campgrounds in West Virginia State Parks and State Forests and campsites in State Rail Trails,

H. B. 4307, Division of Natural Resources, special projects and grants for West Virginia State Parks, State Forests, and State Rail Trails,

And,

H. B. 4308, Division of Natural Resources, special fishing rule,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4224, H. B. 4225, H. B. 4236, H. B. 4237, H. B. 4238, H. B. 4239, H. B. 4240, H. B. 4241, H. B. 4242, H. B. 4243, H. B. 4305, H. B. 4306, H. B. 4307 and H. B. 4308) were each referred to the Committee on the Judiciary.

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. 4216, West Virginia Board of Dentistry, rule for the West Virginia Board of Dental Examiners,

H. B. 4231, Division of Labor, supervision of plumbing work,

H. B. 4232, Division of Labor, regulation of heating, ventilating and cooling work,

H. B. 4235, Division of Motor Vehicles, state vehicle title, registration and relicensing project of 2018,

H. B. 4244, Board of Occupational Therapy, fees for services rendered by the board,

H. B. 4252, Board of Accountancy, board rules and rules of professional conduct,

H. B. 4258, Board of Architects, registration of architects,

H. B. 4259, Board of Architects, fees for registration of architects,

H. B. 4269, West Virginia Board of Dentistry, dental advertising,

H. B. 4304, Division of Motor Vehicles, safety and treatment program,

H. B. 4327, Board of Registration for Professional Engineers, examination, licensure and practice of professional engineers,

H. B. 4328, Board of Professional Surveyors, examination and licensing of professional surveyors in West Virginia,

H. B. 4339, Board of Social Work, qualifications for the profession of social work,

H. B. 4340, Board of Social Work, fee schedule,

H. B. 4341, Board of Speech-Language Pathology and Audiology, licensure of speech-pathology and audiology,

H. B. 4342, Board of Speech-Language Pathology and Audiology, disciplinary and complaint procedures for speech-language pathology and audiology,

H. B. 4345, Board of Veterinary Medicine, organization and operation and licensing of veterinarians,

H. B. 4346, Board of Veterinary Medicine, registration of veterinary technicians,

And,

H. B. 4347, Board of Veterinary Medicine, schedule of fees,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4216, H. B. 4231, H. B. 4232, H. B. 4235, H. B. 4244, H. B. 4252, H. B. 4258, H. B. 4259, H. B. 4269, H. B. 4304, H. B. 4327, H. B. 4328, H. B. 4339, H. B. 4340, H. B. 4341, H. B. 4342, H. B. 4345, H. B. 4346 and H. B. 4347) were each referred to the Committee on the Judiciary.

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. 4388, Limiting the Alcohol Beverage Control Commissioner's authority to restrict advertising,

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

Com. Sub. for H. B. 4388 - "A Bill to amend and reenact §11-16-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-16-18 and §11-16-22 of said code; to amend and reenact §60-2-15 of said code; to amend and reenact §60-8-23 of said code, all relating to removing restrictions on advertising, equipment and services by licensees; adding legislative findings; removing restrictions on equipment, fixtures, signs, and supplies; limiting advertising restrictions to false or misleading advertising, irresponsible consumption, and that which targets underage consumption; clarifying that exterior signs are governed by the Division of Highways; eliminating antiquated rule-making language; and limiting promulgation and enforcement of legislative rules,"

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. 4002, Creating a felony crime relating to drug delivery resulting in death,

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

Com. Sub. for H. B. 4002 - "A Bill to amend and reenact §60A-4-416 of the Code of West Virginia, 1931, as amended, relating to creating a felony crime of delivery of a controlled substance or a counterfeit controlled substance with reckless disregard for the health, safety, and welfare of others, for an illicit purpose, and the use, ingestion, consumption, or exposure thereof causes death,"

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. 4393, Relating to making suffocation and asphyxiation crimes,

And,

Com. Sub. for S. B. 94, Providing persons with physical disabilities ability to vote by electronic absentee ballot,

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

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 16 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, §1-7-2, §1-7-3, and §1-7-4, all relating generally to protecting an individual’s constitutional right to privacy in association; creating the Protect Our Right to Unite Act; declaring legislative purpose; defining terms; providing that a public agency may not require a nonprofit entity to disclose the entity’s donor or membership information, subject to certain exceptions; providing that donor or membership information obtained by a public agency may not be released, subject to certain exceptions; providing that membership and donor information is exempt from the disclosure requirements of the state’s Freedom of Information Act; permitting disclosure of records when donor or membership information is redacted; permitting compliance with a lawful court order; providing that an individual has a private cause of action to enjoin unlawful disclosure of donor or membership information and to recover actual damages; providing for the payment of attorney’s fees and costs in certain circumstances; and providing for treble damages in certain circumstances”; 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. 42 - “A Bill to amend and reenact §18-2-7b of the Code of West Virginia, 1931, as amended, relating to permitting the county boards of education to include faith-based electives in classroom drug prevention programs”; referred to the Committee on Education.

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. 225 – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-20, relating to empowering municipalities to enact Adopt-A-Street programs; and establishing eligibility criteria”; which was referred to the Committee on Government Organization.

Resolutions Introduced

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

H. C. R. 21 - "Requesting the Division of Highways name bridge number 44-79—25 79 NB & SB (34A124, 34A135), locally known as the Amma/Big Sandy Creek Bridge, carrying Interstate 79 South over Big Sandy Creek and County Route 29 in Roane County, the 'U. S. Army Specialist, Four, Franklin D. Ashley II Memorial Bridge'."

Whereas, Franklin D. Ashley II was born September 11, 1949, in Charleston West Virginia, son of Franklin and Katherine Ashley; and

Whereas, He graduated from Spencer High School on May 25, 1967; and

Whereas, He enlisted in the United States Army on February 26, 1968; and

Whereas, He died March 21, 1969, in Vietnam from burns and injuries received while a crew chief on a military aircraft which crashed and burned; and

Whereas, He received the Army Commendation Medal (presented posthumously); the Air Medal (First through Twenty-First Oak Leaf Clusters) (presented posthumously); the National Defense Service Medal; the Vietnam Service Medal with 4 bronze service stars; the Republic Of Vietnam Campaign Ribbon W/Device (1960); the Expert Badge with Rifle Bar; and the Army Aviation Badge Basic; and

Whereas, He distinguished himself by meritorious achievement while participating in sustained aerial flight in support of combat ground forces of the Republic of Vietnam during the period October 2, 1968, to March 20, 1969; and during this time, he actively participated in more than 25 aerial missions over hostile territory in support of counterinsurgency operations, during all of these missions he displayed the highest order of air discipline and acted in accordance with the best traditions of the service. By his determination to accomplish his mission in spite of the hazards inherent in repeated aerial flights over hostile territory and by his outstanding degree of professionalism and devotion to duty, he has brought credit upon himself, his organization, and the military service; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army Specialist, Four, Franklin D. Ashley II and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 44-79—25([00A000]), locally known as the Amma/Big Sandy Creek Bridge, carrying Interstate 79 South over Big Sandy Creek and County Route 29 in Roane County, the "U. S. Army Specialist, Four, Franklin D. Ashley II 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 Specialist, Four, Franklin D. Ashley II 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.

Delegates Pack, C. Martin, D. Jeffries, Steele, J. Jeffries, Hill, Toney, Cadle, Paynter, Bartlett, Phillips, Barnhart, Bibby, N. Brown, Butler, Cooper, Dean, Fast, Foster, Graves, Hamrick, Hanna, Hardy, Higginbotham, Hott, Jennings, D. Kelly, Kessinger, Linville, Little, Mandt, Maynard, McGeehan, Queen, Rodighiero, Rohrbach, Rowan, Skaff, Summers, Sypolt, Tomblin, Waxman, Westfall and Worrell offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 22 - "Applying to and urging Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States and to limit the terms of office that a person may be elected as a Member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a Member of the United States Senate."

Whereas, The Legislature of West Virginia hereby makes an application to Congress, as provided by Article V of the Constitution of the United States of America, to call a convention limited to proposing an amendment to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a Member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a Member of the United States Senate; and

Whereas, This application shall be considered as covering the same subject matter as the applications from other States to Congress to call a convention to set a limit on the number of terms that a person may be elected to the House of Representatives of the Congress of the United States and the Senate of the United States; and this application shall be aggregated with same for the purpose of attaining the two-thirds of states necessary to require Congress to call a limited convention on this subject, but shall not be aggregated with any other applications on any other subject; and

Whereas, This application constitutes a continuing application in accordance with Article V of the Constitution of the United States of America until the legislatures of at least two-thirds of the several states have made applications on the same subject; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby petitions and urges Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States to call a convention limited to proposing an amendment to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a Member of the United States House of Representatives or as a Member of the United States Senate; and, be it

Further Resolved, That the Secretary of State is hereby directed to transmit copies of this application to the President and Secretary of the Senate of the United States and to the Speaker, Clerk and Judiciary Committee Chairman of the House of Representatives of the Congress of the United States, and copies to the members of the said Senate and House of Representatives from this state; also to transmit copies thereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

Delegates Hartman, Sponaugle, C. Thompson, Boggs, N. Brown and Caputo offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 23 - "Requesting the Division of Highways name bridge number 42-48-42.37 NB & SB(42A202, 42A203), (38.95410,-79.85749) locally known as Laurel Mountain Road Bridges,

carrying US 48 over CR11 and US 219 in Randolph County, the 'U. S. Army Spec. 4, Roger Dale Griffith Memorial Bridge'."

Whereas, Roger Dale Griffith was born on August 20, 1947, in Elkins, West Virginia, the son of Lester F. Griffith and Ora Griffith; and

Whereas, Roger Dale Griffith graduated from Elkins High School; and

Whereas, Roger Dale Griffith enlisted in the US Army and gained the rank as a Specialist 4; and

Whereas, Roger Dale Griffith arrived in Vietnam on July 11, 1967, where he served as a light infantry weapons soldier in A Company, 4th Battalion, 9th Infantry, 25th Infantry Division; and

Whereas, Specialist Griffith was killed on January 4, 1968, as a result of multiple gunshot wounds after his platoon was attacked by a large North Vietnamese Army Force while on a patrol in Tay Ninh Province, South Vietnam; and

Whereas, Specialist Griffith was awarded the Purple Heart, the Republic of Vietnam Campaign Medal, the Vietnam Service Medal with one bronze star, the National Defense Medal, Distinguished Unit Citation, Vietnam Gallantry Cross Unit Citation, Good Conduct Medal and the Combat Infantry Badge (CIB); and

Whereas, Specialist Griffith's name is listed on the Vietnam Memorial Wall in Washington, D.C., Panel 33A, Line 36 and is buried in Mountain State Memorial Gardens in Gilman, Randolph County; and

Whereas, It is fitting that an enduring memorial be established to commemorate Army Specialist 4, Roger Dale Griffith 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 42-48-42.37 NB & SB (42A202, 42A203), (38.95410,-79.85749) locally known as the Laurel Mountain Road Bridges, carrying US 48 over CR11 and US 219 in Randolph County, the "U. S. Army Specialist 4, Roger Dale Griffith Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the bridge as the "U. S. Army Specialist 4 Roger Dale Griffith 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.

And,

Delegates Rodighiero, Tomblin, Hicks, Miller, Evans and R. Thompson offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 24 – "Requesting the Division of Highways to name a portion of Route 7/1, Dog Fork Road, beginning at MP 0.00 and ending at MP 0.25, in Boone County, the 'U. S. Army PFC Glenn S. Perdue, U. S. Army TEC 5 Charley H. Perdue and U. S. Army Air Corps SGT Carl C. Perdue Memorial Road'."

Whereas, Private First Class Glenn Perdue, Technician 5th Grade Charley Perdue and Sergeant Carl Perdue were brothers born in Boone County, and who served in the U. S. Army in Europe at the same time during World War II; and

Whereas, Private Glenn Perdue was born on June 15, 1917, and died on December 9, 1999; and

Whereas, Private Glenn Perdue entered the U. S. Army on April 8, 1942, and was honorably discharged on October 30, 1945; and

Whereas, Private Glenn Perdue married Mary Stollings Perdue and had four children, Roger, John, Judy and Steve, five grandchildren and three great-grandchildren; and

Whereas, Private Glenn Perdue was owner and operator of Perdue Grocery, worked at the Logan Planning Mill and the Boone County Commission. He was also a member of VFW Post 5578 and the 512th Military Police Battalion Reunion; and

Whereas, Private Glenn Perdue served in the 512th Military Police Battalion and was part of the following battles and campaigns: Normandy Northern France, Ardennes, Rhineland and Central Europe; and

Whereas, Private Glenn Perdue received the American Theater Service Ribbon, the European African Middle Eastern Service Ribbon, the Good Conduct Medal, the Meritorious Unit Award and Victory Ribbon. Private Perdue also qualified as a Marksman 03, M-1 Rifle and Rifle Carbine; and

Whereas, Technician 5th Grade Charley Perdue was born on August 29, 1919, and died on August 16, 1988; and

Whereas, Technician 5th Grade Charley Perdue was married to Marie Burton Perdue, now deceased; and

Whereas, Technician 5th Grade Charley Perdue entered the U. S. Army on October 8, 1941, and was honorably discharged on November 28, 1945; and

Whereas, Technician 5th Grade Charley Perdue served in Reconnaissance Company, 2nd Armored Regiment, and was part of the following battles and campaigns: Ardennes, Rhineland and Central Europe; and

Whereas, Technician 5th Grade Charley Perdue received the American Defense Service Medal, the American Theater Service Ribbon, the European African Middle Eastern Service Ribbon, the Good Conduct Medal with Clasp and the World War II Victory Ribbon. He also was qualified as a Marksman M-1 Rifle, Sharpshooter LMG and Sharpshooter Carbine; and

Whereas, After the service, Technician 5th Grade Charley Perdue was a school bus driver for Boone County schools and a member of VFW Post 5578; and

Whereas, Sergeant Carl Perdue was born on May 13, 1921, and died on September 3, 1986; and

Whereas, Sergeant Carl Perdue entered the U. S. Army on August 18, 1942, and was honorably discharged on October 29, 1945; and

Whereas, Sergeant Carl Perdue served with the Army Air Force Unit and was awarded the European African Middle Eastern Ribbon, the Distinguished Unit Badge and the Good Conduct Medal; and

Whereas, After the service, Sergeant Carl Perdue worked with the Mootz Sunbeam Bakery and Frito Lay; and

Whereas, It is a fitting and well-deserved tribute that a portion of the road where the Perdue family farm once stood be named for these three brothers who so honorably and faithfully served their country, state and community during World War II; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of Route 7/1, Dog Fork Road, beginning at MP 0.00 and ending at MP 0.25, in Boone County, the "U. S. Army PFC Glenn S. Perdue, U. S. Army TEC 5 Charley H. Perdue and U. S. Army Air Corps SGT Carl C. Perdue Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying that road as the "U. S. Army PFC Glenn S. Perdue, U. S. Army TEC 5 Charley H. Perdue and U. S. Army Air Corps SGT Carl C. Perdue Memorial Road"; and, be it

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

Bills Introduced

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

By Delegates McGeehan, Phillips and Paynter:

H. B. 4435 - "A Bill to amend and reenact §29-22A-10 and §29-22A-10b of the Code of West Virginia, 1931, as amended, all relating to granting counties and municipalities a portion of the net terminal income from racetrack video lottery"; to the Committee on the Judiciary then Finance.

By Delegates Westfall, Summers, Queen, Waxman, Storch, Nelson and Kessinger:

H. B. 4436 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-53-1, relating to the American Law Institute Restatement of Law, Liability Insurance interpretation limitation"; to the Committee on the Judiciary.

By Delegates J. Jeffries, Toney and Maynard:

H. B. 4437 - "A Bill to amend and reenact §12-3A-4 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Pay Card program; and providing additional eligible unbanked recipients of a pay card"; to the Committee on Government Organization.

By Delegates Espinosa, Householder, Barrett and Storch:

H. B. 4438 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to the licensing of advance deposit wagering; defining terms; providing for source market fees; providing for certain distribution of source market fees derived from wagers of account holders; providing that advance deposit account wagers are authorized; providing exception from certain provisions of code; conferring jurisdiction to the Racing Commission; providing for the assessment and imposition of licensing and annual renewal fees; providing that applicants may bear certain costs; prohibiting advance deposit wagering in West Virginia unless conducted through an advance deposit wagering licensee; exempting advance deposit wagering from certain provisions of code and implementing rules; providing for criminal

penalties for accepting advance deposit wagers without a license; providing authority for the Racing Commission to seek civil remedies and damages; providing for a regulatory fee; providing that all advance deposit wagers placed by residents within the state are considered to be wagering within West Virginia subject to the laws of this state and rules of the Racing Commission; providing for an investigation as to whether nonresident account holders of a licensee placed wagers while physically located in West Virginia; and authorizing rulemaking and emergency rulemaking”; to the Committee on the Judiciary.

By Delegates Householder, Criss, Butler, Anderson, Rowan, Linville, Graves, Maynard, Barrett and Boggs:

H. B. 4439 - “A Bill to amend and reenact §11-13EE-3 of the Code of West Virginia, 1931, as amended, relating to clarifying the method for calculating the amount of severance tax attributable to the increase in coal production at a mine due to new qualifying capital investments”; to the Committee on Energy then Finance.

By Delegates Fluharty, Foster, Canestraro, Storch, Barrett, Hill, Bates, Shott, Hornbuckle, Staggers and Pushkin:

H. B. 4440 - “A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to prohibiting the home schooling of children in certain circumstances; and prohibiting home schooling when a custodial parent or the person instructing the child is suspected or convicted of child abuse or neglect; and when either custodial parent or a person instructing the child has been convicted of domestic violence”; to the Committee on Education then the Judiciary.

By Delegate McGeehan:

H. B. 4441 - “A Bill to amend and reenact §6-9A-4 of the Code of West Virginia, 1931, as amended, relating to provide that political party caucus meetings are not exempt from open proceedings requirements”; to the Committee on Government Organization then the Judiciary.

By Delegates Pack, Howell, Hanshaw (Mr. Speaker), Graves and Steele:

H. B. 4442 - “A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to requiring certain municipalities to pay for the incarceration of inmates arrested by the municipality’s police”; to the Committee on Political Subdivisions then Finance.

By Delegates Barrett, Householder, Criss, Bates, Williams, Hill, Graves, Boggs, Sponaugle, Storch and Skaff:

H. B. 4443 - “A Bill to amend and reenact §22-15-11 of the Code of West Virginia, 1931, as amended; to and to amend and reenact §22-16-4 of said code, all relating to shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities; providing for an additional fee; providing for reduction of a fee; and setting out conditions and limitations for collection and use of the additional fee”; to the Committee on Government Organization then Finance.

By Delegates Linville, Rohrbach, Lovejoy, Mandt, Worrell, Miller, Maynard, Little, Summers, Hanshaw (Mr. Speaker) and D. Kelly:

H. B. 4444 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-32-1; to amend said code by adding thereto a new article, designated §29-33-1; and to amend said code by adding thereto a new article, designated §29-34-1, all relating to establishing Medals of Valor and Medals for Bravery for emergency medical services, firefighters, and law-enforcement officers; creating the Emergency Medical Services Honor Board, the Firefighters Honor Board, and the Law-Enforcement Officers Honor Board; establishing Medals of Honor for those EMS personnel, firefighters and law- enforcement officers who go above and beyond

‘the call of duty’; and establishing membership and duties of the boards”; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegates Linville, Hansen, Summers, Householder, Skaff, Maynard, Criss and Queen:

H. B. 4445 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-9, relating to creating the Economic Diversification Act of 2020 for the purpose of income tax relief, by state, county, and municipal government, to new or existing businesses whose product or service offered is not currently offered in the state; requiring the Secretary of Commerce to appoint a commission to determine eligibility; providing that commission to be composed of government officials and private citizens; limiting the tax relief to a maximum period of eight years; and providing for rule making”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Graves, J. Kelly, Higginbotham, Maynard, Summers, Pack, Kessinger, Steele, Hanna, Linville and Hanshaw (Mr. Speaker):

H. B. 4446 - “A Bill to amend and reenact §22-3-15 of the Code of West Virginia, 1931, as amended, relating to requiring inspections of surface coal mining operations be coordinated with inspections made by federal inspectors from the Department of the Interior and the Environmental Protection Agency”; to the Committee on Energy.

By Delegates Lavender-Bowe, Lovejoy, Campbell, Pack, Evans, Zukoff, Boggs, Walker, Graves, Paynter and Estep-Burton:

H. B. 4447 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5S-9a, relating to creation of the shared table initiative for senior citizens who suffer from food insecurity; stating findings; acknowledging the success of a similar initiative in public schools; stating the purpose of the bill; granting rule-making authority with certain minimum contents; stating certain requirements for guidelines and guidance policies; stating certain requirements regarding health guidelines, compliance, and coverage; authorizing certain collaboration; and authorizing the Bureau for Senior Services to make certain requirements”; to the Committee on Senior, Children, and Family Issues then Government Organization.

By Delegates Householder, Criss, Westfall, Graves, Anderson, Storch, Linville and Boggs:

H. B. 4448 - “A Bill to amend and reenact §23-2C-16 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to transfer moneys from the Insurance Commission Fund, also known as the commissioner’s operating fund, into the Workers’ Compensation Old Fund to reduce any deficit balance of the Old Fund”; to the Committee on Finance.

By Delegates Graves, Linville, Skaff, Swartzmiller, Storch, Higginbotham, Hanna, Barrett, Boggs, Westfall and Nelson:

H. B. 4449 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-37a, relating to requiring state purchases of certain items to be made from authorized dealers in this state rather than directly from the manufacturers in certain circumstances”; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

By Delegate Butler:

H. B. 4450 - “A Bill to amend and reenact §17B-2-5 of the Code of West Virginia, 1931, as amended, relating to instruction permits issued by the Division of Motor Vehicles; and changing the expiration date of instruction permits issued to persons who have reached the age of 18 years from 90 days to six months”; to the Committee on Technology and Infrastructure then Government Organization.

Special Calendar**Third Reading**

Com. Sub. for H. B. 4017, Establishing country roads accountability and transparency; 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. 17**), 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: 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. 4017) 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. 4020, Removing authority of municipalities to require occupational licensure if licensure for the occupation is required by the state; 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. 18**), and there were—yeas 61, nays 38, absent and not voting 1, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: 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. 4020) 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 read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 19**), 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: Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4062) 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. 4108, Relating generally to certificates of need for health care services; on third reading, coming up in regular order, was read a third time.

During debate, Delegate Graves arose to a point of order regarding the content of remarks by Delegate McGeehan, and the Speaker reminded the Members to address the merits of the bill.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 20**), 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: 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. 4108) 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. 4130, Relating to competitive bidding for government construction contracts arising out of declared states of emergency; 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. 21**), 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: Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4130) passed.

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

On this question, the yeas and nays were taken (**Roll No. 22**), 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: Rowe.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4130) 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. 4141, Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December; 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. 23**), 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: Rowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4141) passed.

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

Second Reading

Com. Sub. for H. B. 2086, Uniform Real Property Electronic Recording Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4077, Increasing the amount of the bond required to be posted by proprietary schools; 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. 4119, Establishing the crime of torture; 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. 4275, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission; on second reading, coming up in regular order, was read a second time.

An amendment, offered by Delegates Fleischauer and Westfall, was reported by the Clerk, on page one, section one, line eight, following the word "authorized", by striking out the period and inserting a colon and the following: " with the following amendment: 'on page 4, section 4 of the rule, by striking out the provisions of 4.1.k.1. in its entirety.'"

Delegate Summers asked unanimous consent to advance the bill to third reading with the amendment pending, which request was not granted, objection being heard.

Subsequently, on motion of Delegate Summers, the bill was postponed one day.

H. B. 4417, Relating to permitting professional boards; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4419, Relating to the Controlled Substance Monitoring Database; 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 and resolution, on first reading, coming up in regular order, were each read a first time and ordered to second reading:

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

Com. Sub. for H. B. 4058, Relating to pharmacy benefit managers,

And,

Com. Sub. for H. B. 4094, Continuing the Foster Care Ombudsman.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leave of absence for the day was granted Delegate 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 Espinosa for H. B. 4146, H. B. 4149 and H. B. 4361
- Delegate Miller for H. B. 4002
- Delegates Azinger, Criss and Williams for H. C. R. 8
- Delegate Porterfield for H. B. 4211, H. B. 4212, H. B. 4213, H. B. 4221, H. B. 4223, H. B. 4234, H. B. 4236, H. B. 4243, H. B. 4304, H. B. 4308, H. B. 4311, H. B. 4328 and H. B. 4345
- Delegate Sypolt for H. B. 4063, H. B. 4114 and H. B. 4115
- Delegate Pack for H. B. 4057
- Delegate Bartlett for H. B. 4115
- Delegate Toney for H. B. 2785, H. B. 2888 and H. B. 3034
- Delegate Hansen for H. B. 4171

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

- Delegate Williams for H. C. R. 8

At 12:16 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 22, 2020.

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

SPECIAL CALENDAR

Wednesday, January 22, 2020

15th Day

11:00 A. M.

THIRD 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)
- H. B. 4417 - Relating to permitting professional boards (ROHRBACH) (REGULAR)
- H. B. 4419 - Relating to the Controlled Substance Monitoring Database (ROHRBACH) (REGULAR)

SECOND 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)
- Com. Sub. for H. B. 4275 - Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission (SHOTT) (EFFECTIVE FROM PASSAGE)

FIRST READING

- Com. Sub. for S. B. 94 - Providing persons with physical disabilities ability to vote by electronic absentee ballot (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4002 - Creating a felony crime relating to drug delivery resulting in death (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4388 - Limiting the Alcohol Beverage Control Commissioner's authority to restrict advertising (HOWELL) (REGULAR)
- H. B. 4393 - Relating to making suffocation and asphyxiation crimes (SHOTT) (REGULAR)

HOUSE CALENDAR

Wednesday, January 22, 2020

15th 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**

WEDNESDAY, JANUARY 22, 2020

HOUSE CONVENES AT 11:00 A.M.

**FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES
9:00 A.M. – ROOM 215 E**

**TECHNOLOGY AND INFRASTRUCTURE
9:00 A.M. – ROOM 418 M**

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

**INDUSTRY AND LABOR
1:00 P.M. – ROOM 418 M**

**SMALL BUSINESS, ENTREPRENEURSHIP AND ECONOMIC DEVELOPMENT
1:00 P.M. – ROOM 215 E**

**SENIOR, CHILDREN AND FAMILY ISSUES
3:00 P.M. – ROOM 215 E**

**COMMITTEE ON THE JUDICIARY
5:00 P.M. – ROOM 418 M**

**COMMITTEE ON EDUCATION
5:00 P.M. – ROOM 434 M**

**COMMITTEE ON FINANCE
5:00 P.M. – ROOM 462 M**

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