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TWENTY-SECOND DAY

Wednesday, January 29, 2020

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

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

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

The Clerk proceeded to read the Journal of Tuesday, January 28, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Energy has had under consideration:

H. B. 4421, Natural Gas Liquids Economic Development Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4421) was referred to the Committee on Finance.

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

Your Committee on Energy has had under consideration:

H. B. 4484, Relating to the Hazardous Waste Management Fund,

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

Com. Sub. for H. B. 4484 - "A Bill to amend and reenact §22-18-22 of the Code of West Virginia, 1931, as amended, relating to the Hazardous Waste Management Fund; extending the termination date from June 30, 2020, to June 30, 2025, thereby allowing the continuance of the annual certification fees for facilities that manage hazardous waste and allowing the continuance of the fund into which the fees are deposited,"

With the recommendation that the committee substitute do pass.

Delegate Jennings, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

H. B. 4383, Facilitating Business Rapid Response to State Declared Disasters Act of 2020,

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 (H. B. 4383) was referred to the Committee on Finance.

On motions for leave, the following bills were introduced (Originating in the Committee on Pensions and Retirement and reported with the recommendation that they each do pass), which were read by their titles, as follows:

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

H. B. 4600 - "A Bill amend and reenact §8-22-26 of the Code of West Virginia, 1931, as amended, relating to the definition of the term member for the purpose of distributing premium tax proceeds through the Municipal Pensions Security Fund to municipal policemen's and firemen's pension and relief funds,"

And,

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

H. B. 4601 - "A Bill amend and reenact §8-22-25a of the Code of West Virginia, 1931, as amended, relating to the distribution of premium tax proceeds to municipal policemen's and firemen's pension and relief funds which have members participating in a deferred retirement option plan."

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

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

H. B. 4356, Relating to the administration of anesthetics,

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

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

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

H. B. 3049, Improving dissemination of boiled water advisories to affected communities,

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

Com. Sub. for H. B. 3049 - "A Bill to amend and reenact §16-1-9a of the Code of West Virginia, 1931, as amended, relating to public health; improving dissemination of boiled water advisories to affected communities through local health departments and local emergency management 911 answering points; requiring boiled water advisories to be communicated through alert mass notification systems,"

H. B. 4059, Increasing access to long acting reversible contraception,

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

Com. Sub. for H. B. 4059 - "A Bill to repeal §16-2B-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-2B-1 and §16-2B-2 of said code, all relating family planning; increasing access to long acting reversible contraception; requiring payment of long acting reversible contraception; requiring certain contract provisions; requiring training of health care practitioners; prohibiting certain policies; permitting a health care practitioner to perform family planning at a local health department; and updating terminology,"

And,

H. B. 4198, Permitting a person to obtain a 12-month supply of contraceptive drugs,

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

Com. Sub. for H. B. 4198 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-53-2, relating to required insurance coverage; permitting a person to obtain a 12-month supply of contraceptive drugs; defining terms; and providing exclusions,"

With the recommendation that the committee substitutes each do pass.

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

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

H. B. 4434, West Virginia health care workforce sustainability study,

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

Com. Sub. for H. B. 4434 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding there to a new section, designated §5B-1-9, relating to the study of the health care workforce; defining terms; directing the Department of Commerce to issue a report; setting forth the contents of the report; requiring certain entities to report information; and deeming any information received by the department for the purpose of creating the report to be confidential trade secrets which are exempt from disclosure,"

With the recommendation that the committee substitute do pass, and with the recommendation that second reference to the Committee on Finance be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 4434) to the Committee on Finance was abrogated.

Delegate Capito, from 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 28th day of January, 2020, 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 S. B. 94, Providing persons with physical disabilities ability to vote by electronic absentee ballot.

Messages from the Senate

A message from the Senate, by

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

S. B. 51 - "A Bill to amend and reenact §48-10-802 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §48-10-803, all relating to specifying forms of grandparent visitation; allowing daytime and overnight visits as well as electronic communication; and defining the term 'electronic communication'"; which was referred to the Committee on Senior, Children, and Family Issues then the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 191 - "A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; creating the felony offense of aggravated cruelty to animals; providing a criminal penalty for the offense; and defining a term"; 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. 201 - "A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating generally to the criminal offenses of stalking and harassment; modifying and clarifying elements of offenses; creating new offense of violating a personal safety order where the person against whom the violation is directed is the subject of the order; creating a new offense of harassment to cause a person to physically harm or kill himself or herself; defining terms; enhancing penalties for second and subsequent offenses; authorizing proposal of legislative rules and promulgation of emergency rules by the Governor's Office of Crime, Delinquency, and Correction; and establishing criminal penalties"; 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. 523 - "A Bill to amend and reenact §8-22A-28 of the Code of West Virginia, 1931, as amended, relating to municipal subdivision participation in Social Security; and extending the deadline for opting to extend Social Security coverage"; which was referred to the Committee on Pensions and Retirement.

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

Com. Sub. for S. B. 529 - "A Bill to amend and reenact §14-2-13a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §14-2A-14a, all relating to establishing limitations on claims and benefits; establishing a two-year time limit for a claimant to file a claim for unjust arrest, conviction, or imprisonment; eliminating the requirement that another person be subsequently charged, arrested, and convicted of the same offense; providing that damages may be reduced upon clear evidence the claimant's actions contributed to unjust arrest, conviction, or imprisonment; and establishing a 10-year limitation on eligibility to receive benefits 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

Com. Sub. for S. B. 532 - "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"; which was referred to the Committee on Pensions and Retirement.

Bills Introduced

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

By Delegates Atkinson, Sypolt, Boggs, D. Jeffries, Butler, Rowan, Westfall, Miller, Queen and Lavender-Bowe:

H. B. 4577 - "A Bill to amend and reenact §17A-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-1-1 of said code; to amend and reenact §17C-1-5a of said code; to amend said code by adding thereto a new section, designated §17C-1-70; and to amend said code by adding thereto a new section, designated §17C-11-6, all relating to electric bicycles; defining electric bicycles; excluding electric bicycles from registration, title, financial liability, and driver's license requirements; providing electric bicycle general use regulations; providing the operator of an electric bicycle has the same rights and duties as the operator of a bicycle; providing the use of an electric bicycle may be restricted by an entity having jurisdiction over a bicycle path or trail; providing that an electric bicycle is considered a motor vehicle for purposes of driving under influence of alcohol, controlled substances or drugs; providing for helmet use requirements and class use restrictions for a person under 15 years of age; and providing criminal penalties"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Maynard, Miller, Paynter, Diserio, Swartzmiller, Little and Boggs:

H. B. 4578 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1C-1, §21-1C-2, §21-1C-3, §21-1C-4, and §21-1C-5, all relating to prohibiting the employment of unauthorized employees in the construction industry; requiring employers to verify eligibility for employment with the federal government; duties of the attorney general and penalties"; to the Committee on Industry and Labor then the Judiciary.

By Delegates Howell and Miller:

H. B. 4579 - "A Bill to repeal §29-6-7a, §29-6-9, §29-6-10a, §29-6-14 and §29-6-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-6-1, §29-6-2, §29-6-3, §29-6-4, §29-6-6, §29-6-7, §29-6-8, §29-6-10, §29-6-12, §29-6-16, §29-6-17, §29-6-19, §29-6-20, §29-6-21, §29-6-22, §29-6-23, §29-6-24 and §29-6-27 of said code, all relating to the state employee merit system; defining terms; allowing additions to classified service; providing exemptions to classified

service; providing make-up and duties of the State Personnel Board; defining a quorum; providing authority of Director of Personnel; providing rulemaking for the Division of Personnel; authorizing the director to adjust pay grades; providing process for appointment, promotion or reinstatement from lists of candidates; allowing for pilot projects; providing process for dismissal; confidentiality of records; allowing local political subdivisions to participate in the classified service system; providing penalties; providing time frames for job postings and appointments; and allowing for a leave donation program”; to the Committee on Government Organization.

By Delegates Summers, Hanshaw (Mr. Speaker), Jennings, Waxman and Fast:

H. B. 4580 - “A Bill to repeal §9-5-19 of the Code of West Virginia, 1931, as amended; to repeal §16-2D-2, §16-2D-3, §16-2D-4, §16-2D-5, §16-2D-6, §16-2D-7, §16-2D-8, §16-2D-9, §16-2D-10, §16-2D-11, §16-2D-12, §16-2D-13, §16-2D-14, §16-2D-15, §16-2D-16, §16-2D-17, §16-2D-18, §16-2D-19 and §16-2D-20 of said code; to repeal §16-2N-3 of said code; to repeal §16-29A-20 of said code; to repeal §16-29B-1, §16-29B-8, §16-29B-12, §16-29B-13, §16-29B-14, §16-29B-15 and §16-29B-30 of said code; to repeal §49-2-124 of said code; to amend and reenact §16-2D-1 of said code; to amend and reenact §16-5Y-3 and §16-5Y-12 of said code; and to amend and reenact §33-15B-5 of said code, all relating to eliminating the certificate of need program; fixing an effective date; deleting references to the certificate of need program throughout the code and making technical corrections”; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Pack and Hill:

H. B. 4581 - “A Bill to amend and reenact §16-49-1, §16-49-2, §16-49-3, §16-49-4, §16-49-5, §16-49-6, §16-49-7, and §16-49-8 of the Code of West Virginia, 1931, as amended; all relating to West Virginia Clearance for Access: Registry and Employment Screening; to include the screening of West Virginia Department of Health and Human Resources employees in the background check process; and streamlining the variance procedures”; to the Committee on Health and Human Resources.

By Delegates Criss, Pack, Hardy, Bates, Pethel, Barrett, Hartman and Williams:

H. B. 4582 - “A Bill recognizing and declaring certain claims against agencies of the state to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof”; to the Committee on Finance.

By Delegates D. Jeffries, Hill, Rowan, Bates, Worrell, Pushkin, Queen, Fleischauer, Pack and Barrett:

H. B. 4583 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-53-1, §33-53-2, §33-53-3, §33-53-4 and §33-53-5, all relating to enacting the Requiring Accountable Pharmaceutical Transparency, Oversight, and Reporting Act; providing a short title; providing for definitions; outlining reporting requirements drug manufacturers and health benefit plan issuers to the Auditor; outlining the required pharmaceutical data required by the Auditor; directing the Auditor to create a searchable pharmaceutical transparency website; protecting confidentiality of patient information; providing registration requirements to drug manufacturers and health benefit plan issuers; and outlining penalties when a health benefit plan or drug manufacturer submits inaccurate or fails to submit information to the Auditor”; to the Committee on Health and Human Resources then Government Organization.

By Delegates Walker, Lavender-Bowe, Zukoff, Longstreth, Pushkin, Hornbuckle, Pyles, Williams, Hansen and Skaff:

H. B. 4584 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to tax exemption for funds from qualified retirement plans used for long-term care”; to the Committee on Health and Human Resources then Finance.

By Delegates Hill and Pack:

H. B. 4585 - "A Bill to amend and reenact §49-2-810 of the Code of West Virginia, 1931, as amended, relating to immunity from criminal and civil liability and amending the provision of immunity to explicitly grant immunity from civil or criminal liability for individuals providing information or assistance to a good faith report of child abuse or neglect"; to the Committee on the Judiciary.

By Delegates D. Kelly, Maynard, Miller, Williams, Steele, Pushkin and D. Jeffries:

H. B. 4586 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15A-9-1, §15A-9-2, §15A-9-3, §15A-9-4, §15A-9-5, §15A-9-6, and §15A-9-7, all relating to establishing the Office of Administrative Hearings within the Department of Military Affairs and Public Safety, authorizing the appointment of a Chief Hearing Examiner, establishing the organization of the Office of the Chief Hearing Examiner, establishing the jurisdiction of the office of administrative hearings, establishing hearing procedures, establishing rule-making authority, establishing a duty to provide notice of change of address, and establishing policies for the transition from divisions of the department to the office of administrative hearings"; to the Committee on the Judiciary.

By Delegates D. Jeffries, C. Martin, Worrell, Cadle, Hamrick and Sypolt:

H. B. 4587 - "A Bill to amend and reenact §24-2-4 and §24-2-4a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §24-2-4e; to amend and reenact §24A-2-4 of said code; to amend and reenact §24A-5-2 of said code; to amend said code by adding thereto two new sections, designated §24A-5-2a and §24A-5-2b; and to amend and reenact §24A-6-1 of said code, all relating to the regulation of the collection, hauling, and disposal of solid waste by motor carriers; authorizing indexed automatic rate increases for solid waste disposal at landfills; authorizing indexed automatic rate increases for solid waste collection and hauling; authorizing rural rates for solid waste collection and hauling; authorizing multi-year contracts; setting procedures for the approval of rates; authorizing solid waste carriers to require pooling; and authorizing the Public Service Commission to promulgate rules"; to the Committee on Government Organization then the Judiciary.

By Delegates Angelucci, Longstreth, S. Brown, Caputo, Staggers, C. Thompson, Boggs, Fleischauer, Zukoff, Fluharty and Pushkin:

H. B. 4588 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §33-15-1c; and amending said code by adding a new section designated §33-16-1c, all relating to accident and sickness insurance coverage; requiring access to coverage of individuals with preexisting conditions; applicability of the provisions"; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Pushkin, D. Jeffries, Jennings, Robinson, Butler and Estep-Burton:

H. B. 4589 - "A Bill to amend and reenact §29-1-3 of the Code of West Virginia, 1931, as amended, relating to causing a study and recommendations by the Commission on the Arts on the construction and design of a memorial to honor West Virginians killed in the United States War on Terror"; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

By Delegates Staggers, Walker, Howell, C. Martin, Lavender-Bowe, Diserio, Pyles, Miller, Worrell and Lovejoy:

H. B. 4590 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6-7-2b, relating to allowing a current state employee who is appointed to a position with a statutory set salary to retain their current salary if higher and to retain all of their accrued benefits"; to the Committee on Finance.

By Delegate Hill:

H. B. 4591 - "A Bill to amend and reenact §9-6-1, §9-6-2, §9-6-3, §9-6-4, §9-6-5, §9-6-6, §9-6-7, §9-6-8, §9-6-9, §9-6-10, §9-6-11, §9-6-13 and §9-6-16 of the Code of West Virginia, 1931, as amended, all relating to adult protective services, abuse, neglect, vulnerable adults; amending the definition of 'financial exploitation' to include the use of undue influence; redefining 'caregiver,' defining 'fiduciary,' and 'undue influence;' replacing old terms and adding new terms; providing for the release of investigative summaries of substantiated and unsubstantiated reports of abuse, neglect or financial exploitation to certain individuals; adding employees of a financial institution as mandated reporters of suspected abuse, neglect or financial exploitation; and, providing for the release of suspicious financial transactions to Adult Protective Services"; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Fleischauer, Lovejoy, Fluharty, S. Brown, Pyles, Campbell, Miller, Canestraro, Walker, Lavender-Bowe and Rowan:

H. B. 4592 - "A Bill to amend and reenact §14-2-21 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-12A-6 of said code; to amend said code by adding thereto a new section, designated §51-1-23; to amend and reenact §55-2-15 of said code; to amend said code by adding thereto two new sections, designated §55-2-15a and §55-2-15b; and to amend said code by adding thereto a new section, designated §61-11-9a, all relating to criminal and civil sexual offenses; extending periods of limitations for commencing certain criminal and civil sexual offenses; reviving certain civil claims involving sexual offenses committed against minors; authorizing and requesting judicial training in crimes involving sexual assault and sexual abuse, and rules for adjudication of revived child sexual abuse cases"; to the Committee on the Judiciary.

By Delegate Higginbotham:

H. B. 4593 - "A Bill to amend and reenact §3-1-30 of the Code of West Virginia, 1931, as amended, all relating to authorizing the assignment of poll workers to serve more than one precinct when those precinct polling places are located in the same building or facility"; to the Committee on the Judiciary.

By Delegate Higginbotham:

H. B. 4594 - "A Bill to amend and reenact §3-1-28 of the Code of West Virginia, 1931, as amended, all relating to allowing poll workers to be appointed to work in precincts outside their county of residence"; to the Committee on the Judiciary.

By Delegates Robinson, Hornbuckle, Byrd, Pushkin, Estep-Burton, Rowe, Fast and Skaff:

H. B. 4595 - "A Bill to amend and reenact §17B-1B-2 and §17B-1B-3 of the Code of West Virginia, 1931, as amended, all relating to identification of anatomical organ donors on drivers' or chauffers' license"; to the Committee on Technology and Infrastructure then Government Organization.

By Delegates Toney, Paynter and Dean:

H. B. 4596 - "A Bill to amend and reenact §18A-4-15 of the Code of West Virginia, 1931, as amended, relating to declaring a shortage of qualified bus operators and allowing retired bus operators to accept employment as substitute bus operators without effect on their retirement benefit"; to the Committee on Education then Finance.

By Delegates Higginbotham and Ellington:

H. B. 4597 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-6c, relating to creating a Campus Mentors pilot program; describing Campus Mentors; requiring State Superintendent to issue request for proposals subject to appropriation and authorizing award of four three-year competitive grants; specifying eligible applicants and partner public schools; requiring partner with Campus Mentors organization;

specifying criteria that define Campus Mentors program; and describing funding model and permissible expenditures”; to the Committee on Education then Finance.

By Delegates Toney, Paynter and Dean:

H. B. 4598 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-13, relating to establishing seniority rights for public employees; defining when seniority begin; setting standards for accumulation of seniority; requiring notice of job postings; requiring registers or certified lists of eligible applicants; allowing senior employees the first right of refusal for extra duty, overtime and promotions; and determining seniority in case of absence”; to the Committee on Industry and Labor then Government Organization.

By Delegates Butler, D. Jeffries, Bibby, Pack and P. Martin:

H. B. 4599 - “A Bill to amend and reenact §19-23-7, §19-23-10, §19-23-12b, §19-23-13, and §19-23-13c of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §19-23-10a; to amend and reenact §29-22-18a of said code; to amend and reenact §29-22A-3, §29-22A-7, §29-22A-10, §29-22A-10b, §29-22A-10d, §29-22A-10e, and §29-22A-12 of said code; and to amend and reenact §29-22C-3, §29-22C-8, §29-22C-10, §29-22C-27, and §29-22C-27a of said code, all relating generally to horse and dog racing lottery; discontinuing the West Virginia Racing Commission special account known as the West Virginia Greyhound Breeding Development Fund; transferring all moneys in the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that upon transfer of moneys from the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund, a certain amount be withheld and deposited in the special account known as the Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account; requiring that all moneys previously required to be directed to the West Virginia Greyhound Breeding Development Fund be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that all moneys previously required to be directed into any fund or paid for the purpose of funding purses, awards or providing any other funding for greyhound races be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to qualify for such license; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to contract to receive telecasts and accept wagers; providing that a dog racetrack is required to hold a racing license to conduct simulcast racing regardless of whether the racetrack continues to conduct live dog racing; authorizing the West Virginia Racing Commission to promulgate rules, including emergency rules, regarding licensure of dog racetracks conducting only simulcast racing; eliminating the requirement that a video lottery licensee at a dog track must hold a racing license to renew a video lottery license or racetrack table games license; requiring the Lottery Commission to transfer a percentage of gross terminal revenue derived from racetrack video lottery at thoroughbred racetracks, and deducted for administrative costs and expenses, to the Racing Commission’s general administrative account; eliminating the requirement that an applicant for a video lottery license or license renewal at a dog racetrack must provide evidence of the existence of an agreement regarding proceeds from lottery terminals with certain parties; providing that a percentage of net terminal income originating at dog racetracks will be deposited in the State Excess Lottery Revenue Fund; providing that a percentage of net terminal income originating at thoroughbred racetracks will be deposited in the West Virginia Thoroughbred Development Fund; permitting a dog racetrack to continue to operate operational video lottery and racetrack table games in a location where live racing was previously conducted or in another location within the county as approved by the Lottery Commission; and eliminating the requirement that a racetrack table games licensee at a dog racetrack must race a minimum number of dates”; to the Committee on the Judiciary then Finance.

Special Calendar**Third Reading**

Com. Sub. for S. B. 323, Authorizing Department of Administration promulgate legislative rules; 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. 52**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Cooper, Hicks, Hornbuckle and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 323) passed.

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

On this question, the yeas and nays were taken (**Roll No. 53**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Byrd, Cooper, Fleischauer, Hornbuckle and Mandt.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 323) 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. 2419, Relating to the authorization to release a defendant or a person arrested upon his or her own recognizance; on third reading, coming up in regular order, was read a third time.

Delegate Fast requested to be excused from voting on Com. Sub. for H. B. 2419 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. 54**), and there were—yeas 87, nays 10, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Barrett, Fast, Lovejoy, C. Martin, P. Martin, Miller, Pack, Phillips, Robinson and Steele.

Absent and Not Voting: Cooper, Hornbuckle and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2419) 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. 2433, Modifying the school calendar to begin not earlier than Labor Day and end prior to Memorial Day; 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. 55**), and there were—yeas 47, nays 50, absent and not voting 3, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Angelucci, Atkinson, Azinger, Barnhart, Bartlett, Bates, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Dean, Diserio, Doyle, Ellington, Estep-Burton, Evans, Fast, Fluharty, Graves, Hanna, Hartman, Hicks, D. Jeffries, J. Jeffries, D. Kelly, J. Kelly, Kessinger, Lavender-Bowe, Longstreth, Lovejoy, Maynard, Miley, Paynter, Pethtel, Robinson, Rodighiero, Rohrbach, Rowan, Sponaule, Staggers, C. Thompson, R. Thompson, Toney, Wilson and Zukoff.

Absent and Not Voting: Cooper, Hornbuckle and Mandt.

So, a majority of the members present and voting not having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2433) rejected.

Com. Sub. for H. B. 2877, Relating to charging a fee for parking in an accessible parking space bearing the international symbol of access; 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. 56**), and there were—yeas 96, nays 1, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Jennings.

Absent and Not Voting: Cooper, Hornbuckle and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2877) passed.

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

Com. Sub. for H. B. 2877 - “A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, as amended, relating to parking privileges for persons with a mobility impairment; prohibiting public entities from installing or maintaining parking meters in an accessible parking space bearing the international symbol of access.”

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

H. B. 4030, Increasing limit for application for original appointment as a firefighter to 40 years of age for honorably discharged veterans; 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. 57**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Hornbuckle and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4030) passed.

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

H. B. 4030 – “A Bill to amend and reenact §8-15-17 of the Code of West Virginia, 1931, as amended, relating to increasing the age limit for an application for original appointment as a firefighter for honorably discharged veterans of the United States Armed Forces or National Guard.”

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

On this question, the yeas and nays were taken (**Roll No. 58**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Hornbuckle and Mandt.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4030) 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. 4094, Continuing the Foster Care Ombudsman; on third reading, coming up in regular order, was read a third time.

Delegate McGeehan requested to be excused from voting on Com. Sub. for H. B. 4094 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. 59**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Hornbuckle and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4094) 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. 4026, Exempting businesses transporting scrap tires, waste tires, or other used tires, from certain statutory provisions; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4353, Creating a rational nexus requirement between prior criminal conduct and initial licensure decision making; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4476, Providing for the timely and efficient collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases; on second reading, coming up in regular order, was read a second time.

On motion of Delegate S. Brown, the bill was amended on page four, section two, line thirty-nine, following the period, by inserting the following:

“(i) The commission shall by December 1, 2020, develop a strategic plan to: (1) Establish the order of priority for testing kits; (2) test all of the previous kits that can be tested; and (3) establishing a tracking system for use of victims for all kits tested after December 1, 2020, that will allow them to know the status of their test kits. The commission shall submit to the superintendent any additional needed statewide protocols for testing future sexual assault evidence collection kits and recommend agency rules and guidelines for the state police system as provided in this subsection. The commission shall also submit its’ report to the Legislature’s Joint Committee on Government and Finance.”

The bill was then ordered to engrossment and third reading.

H. B. 4496, Removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Shott, the bill was amended on page one, section five-a, line thirteen, by striking out the words “or correctional institution”.

The bill was then ordered to engrossment and third reading.

H. B. 4501, Relating to the ability to refuse offenders for commitment to a jail; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4510, Prohibiting bodily intrusion by an inmate upon any person at any correctional facility; 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. 2338, Allowing the owner of an antique military vehicle to display alternate registration insignia,

H. B. 4179, Recognition of Emergency Medical Services Personnel Licensure Interstate Compact,

H. B. 4359, Increasing the filing fees for insurers,

H. B. 4381, Relating to lifetime hunting, fishing and trapping licenses for adopted children,

And,

Com. Sub. for H. B. 4470, Relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Cooper, Hornbuckle and Mandt.

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 Summers for H. B. 4161, H. B. 4354 and H. B. 4356
- Delegate Atkinson for H. B. 4161
- Delegate Wilson for H. B. 4354
- Delegate D. Jeffries for H. B. 4520
- Delegate Bates for H. B. 4375 and H. B. 4427
- Delegates Byrd and Pushkin for H. B. 4459
- Delegate Pyles for H. B. 4556, H. B. 4563 and H. B. 4576
- Delegate Foster for H. B. 4137
- Delegate Fast for H. B. 4478
- Delegate S. Brown for H. B. 4061

At 12:45 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, January 30, 2020.

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

SPECIAL CALENDAR

Thursday, January 30, 2020

23rd Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 4026 - Exempting businesses transporting scrap tires, waste tires, or other used tires, from certain statutory provisions (HOWELL) (REGULAR)
- H. B. 4353 - Creating a rational nexus requirement between prior criminal conduct and initial licensure decision making (HOWELL) (REGULAR)
- H. B. 4476 - Providing for the timely and efficient collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases (SHOTT) (REGULAR)
- H. B. 4496 - Removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections (SHOTT) (REGULAR)
- H. B. 4501 - Relating to the ability to refuse offenders for commitment to a jail (SHOTT) (REGULAR)
- H. B. 4510 - Prohibiting bodily intrusion by an inmate upon any person at any correctional facility (SHOTT) (REGULAR)

SECOND READING

- Com. Sub. for H. B. 2338 - Allowing the owner of an antique military vehicle to display alternate registration insignia (HOWELL) (REGULAR)
- H. B. 4179 - Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (HOWELL) (REGULAR)
- H. B. 4359 - Increasing the filing fees for insurers (WESTFALL) (REGULAR)
- H. B. 4381 - Relating to lifetime hunting, fishing and trapping licenses for adopted children (ATKINSON) (REGULAR)
- Com. Sub. for H. B. 4470 - Relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services (SHOTT) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 3049 - Improving dissemination of boiled water advisories to affected communities (HILL) (REGULAR)

- Com. Sub. for H. B. 4059 - Increasing access to long acting reversible contraception (HILL) (REGULAR)
- Com. Sub. for H. B. 4198 - Permitting a person to obtain a 12-month supply of contraceptive drugs (HILL) (REGULAR)
- H. B. 4356 - Relating to the administration of anesthetics (HILL) (REGULAR)
- Com. Sub. for H. B. 4434 - West Virginia health care workforce sustainability study (HILL) (REGULAR)
- Com. Sub. for H. B. 4484 - Relating to the Hazardous Waste Management Fund (ANDERSON) (REGULAR)
- H. B. 4600 - Relating to the definition of the term member regarding distributing premium tax proceeds (GRAVES) (REGULAR)
- H. B. 4601 - Relating to distribution of premium tax proceeds to municipal policemen's and firemen's pension and relief funds (GRAVES) (REGULAR)

HOUSE CALENDAR

Thursday, January 30, 2020

23rd 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)

SECOND READING

H. J. R. 102 - Providing the West Virginia Legislature rulemaking oversight of the board of education (SHOTT)

FIRST READING

Com. Sub. for H. B. 4388 - Limiting the Alcohol Beverage Control Commissioner's authority to restrict advertising (HOWELL) (REGULAR)

**WEST VIRGINIA
HOUSE OF DELEGATES**

THURSDAY, JANUARY 30, 2020

HOUSE CONVENES AT 11:00 A.M.

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

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

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

**POLITICAL SUBDIVISIONS
1:00 P.M. – ROOM 418 M**

**PREVENTION AND TREATMENT OF SUBSTANCE ABUSE
1:00 P.M. – ROOM 215 E**

**COMMITTEE ON ENERGY
3:00 P.M. – ROOM 418 M**

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

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