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TWENTY-THIRD DAY

Thursday, January 30, 2020

TWENTY-THIRD 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 Wednesday, January 29, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

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

H. B. 4444, Establishing Medals of Valor and Medals for Bravery for emergency medical services, firefighters, and law-enforcement officers,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4444) was referred to the Committee on Government Organization.

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

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

H. B. 4178, Requiring calls which are recorded be maintained for a period of five years,

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. 4178) was referred to the Committee on the Judiciary.

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

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

H. B. 4123, Clarifying that 911 telecommunication workers are included in the definition of those individuals who perform “emergency services” during a disaster,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4123) was referred to the Committee on Health and Human Resources.

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

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

H. B. 4377, The Protection of Vulnerable Adults from Financial Exploitation Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4377) was referred to the Committee on the Judiciary.

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

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

H. B. 4362, Relating to penalties for neglect, emotional abuse or death caused by a caregiver,

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. 4362) was referred to the Committee on the Judiciary.

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

Your Committee on Political Subdivisions has had under consideration:

H. B. 4137, Allowing counties to store and maintain voter registration records in a digital format,

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

Com. Sub. for H. B. 4137 - “A Bill to amend and reenact §3-2-4, §3-2-5 and §3-2-29 of the Code of West Virginia, 1931, as amended, relating to allowing counties to store and maintain voter registration records in a digital format; directing the clerk of the county commission to follow designated statutory record destruction process and digital copy creation requirements; providing that physical voter registration records may be destroyed under designated statutory process; and, providing that following approval of the Secretary of State the clerk of the county commission may

destroy original registration records if digital or facsimile copies are made and stored in an electronic format in a designated secure manner,”

With the recommendation that the committee substitute do pass.

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 4083, Requiring the West Virginia Parkways Authority to accept the use of credit and debit cards for paying tolls,

And,

H. B. 4404, Removing the requirement that the Division of Highways read bids aloud,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4083 and H. B. 4404) were each referred to the Committee on Government Organization.

Delegate Butler, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 4478, Creating a lifetime ban for commercial drivers involved in human trafficking,

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. 4478) was referred to the Committee on the Judiciary.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 4412, Relating to education benefits to members of the West Virginia Army National Guard and West Virginia Air National Guard,

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

Delegate Householder, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 4001, Creating West Virginia Impact Fund,

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

Com. Sub. for H. B. 4001 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-6E-1, §12-6E-2, §12-6E-3, §12-6E-4, §12-6E-5, §12-6E-6, §12-6E-7, §12-6E-8, §12-6E-9, §12-6E-10, §12-6E-11, §12-6E-12, §12-6E-13, §12-6E-14, §12-6E-15, §12-6E-16, §12-6E-17, §12-6E-18 and §12-6E-19, all relating to creating West Virginia Impact Fund, Investment Committee and Mountaineer Impact Office to invest funds in certain projects with the goal of furthering economic development, infrastructure development and job creation in the State of West Virginia, generally; providing definitions; creating West Virginia Impact Fund; providing for the transfer of funds to Investment Committee and the purposes for the expenditure of the funds; providing purpose and goal and investment standards; creating Investment Committee and providing for its membership, appointments; terms; removals; vacancies and quorums; providing for powers and duties of Investment Committee; requiring disclosures of interest; establishing standard of care; creating Mountaineer Impact Office and providing for powers, duties, staffing, management and processes for proposing and administering investments in projects approved by Investment Committee; providing for audits and reports; providing opportunity for consultation with West Virginia Investment Management Board; providing for immunities and exemptions; prohibiting political activities; and providing for confidentiality of information,"

With the recommendation that the committee substitute 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. 4102, Relating to opioid antagonists,

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

Com. Sub. for H. B. 4102 - "A Bill to amend and reenact §16-46-3 of the Code of West Virginia, 1931, as amended, relating to opioid antagonists; prescribing an opioid antagonist; possessing an opioid antagonist; dispensing an opioid antagonist; providing an opioid antagonist; collecting data related to an opioid antagonist; requiring certain reporting of an opioid antagonist; providing immunity; making technical changes,"

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. 2164, Clarifying that appeals to the Supreme Court are a matter of right,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 2892, Including digital and virtual information in the definition of property that can be searched and seized by a warrant,

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

Com. Sub. for H. B. 2892 - "A Bill to amend and reenact §62-1A-2 of the Code of West Virginia, 1931, as amended, relating to including and defining digital and virtual information in the definition of property that can be searched and seized by a warrant and clarifying that a search warrant issued for a computer, computer network, or other device containing electronic or digital information shall include the search of the contents of that device,"

With the recommendation that the committee substitute do pass.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

Com. Sub. for H. B. 2696, Creating an additional index system for state-owned lands.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

H. B. 4130, Relating to competitive bidding for government construction contracts arising out of declared states of emergency.

On motion of Delegate Summers, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page two, section one-a, line twenty-five, after the word "required", by changing the period to a colon and inserting the following:

"*Provided, That in the event a payment or performance bond is not required, the entity responsible for the contract shall provide to the state agency responsible for overseeing the work a document certifying that all of the claims of subcontractors, laborers, materialmen, and all persons furnishing material have been paid, satisfied, and discharged before final payment is released.*"

And,

By amending the title of the bill to read as follows:

H. B. 4130 – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §5-22-1a, relating to competitive bidding for government construction contracts arising out of declared states of emergency; allowing contracts for construction projects to be procured through competitive bidding on an open-ended basis as to quantity or by unit pricing on estimated quantities; allowing the establishment of multiple award construction contracts; eliminating need for emergency construction contract to specify the exact location of construction involved in the solicitation for bids; making the requirement that the entity to whom the contract is awarded furnish payment or performance bonds discretionary for residential projects; requiring contractor to provide release of claims before final payment is released if bonds are not required; and making the award of such contracts subject to other competitive bidding requirements of said code."

The bill, as amended by the Senate, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 60**), 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: Byrd, Hicks and Mandt.

So, a majority of the members elected to the House of Delegates 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. 61**), 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: Byrd, Hicks 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. 4130) passed.

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

A message from the Senate, by

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

Com. Sub. for S. B. 209 - “A Bill to amend and reenact §8-6-4a and §8-6-5 of the Code of West Virginia, 1931, as amended, all relating to annexation by minor boundary adjustment; clarifying language regarding entry of order by county commission following annexation of property within urban growth boundary by minor boundary adjustment; requiring that municipality as part of application provide affidavit that persons, businesses, and freeholders in additional territory consent to inclusion in annexation; providing procedure when affected party is unavailable to provide affidavit; requiring county commission to enter order denying application for minor boundary adjustment annexation upon determination that annexation could be efficiently and cost effectively accomplished under other provisions of said code, that application lacks evidence of consent of all affected parties, or is otherwise insufficient; and prohibiting municipality from applying for annexation by minor boundary adjustment for two years after denial of application”; which was referred to the Committee on Political Subdivisions then Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 241 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-7a, relating to requiring the State Board of Education to develop a method for funding student transportation costs as a stand-alone consideration; requiring proposed revisions to the calculation method of the allowance for service personnel; and requiring a report to the Legislature”; which was referred to the Committee on Education.

Resolutions Introduced

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

H. C. R. 42 - "Requesting the Division of Highways name bridge number 42.219/86-001.86 (42A143), locally known as Gilman Bridge, carrying US Route 219 over Leading Creek in Randolph County, the 'PFC David Henry Shifflet Memorial Bridge'."

Whereas, Private First Class David Henry Shifflet was born on January 7, 1947, in Elkins, West Virginia, and reared and educated in Randolph County, the son of Henry G. Shifflet and Marietta Shifflet; and

Whereas, On June 18, 1968, Private First Class Shifflet arrived in Vietnam where he served as an Engine and Power Train Repairman in 618th Maintenance Company, 62nd Maintenance Battalion, 45th General Support Group, 1st Logistical Command; and

Whereas, PFC Shifflet was killed on May 11, 1969, as a result of multiple fragmentation wounds after the vehicle he was riding in struck a mine while in a convoy in Kontum Province, South Vietnam; and

Whereas, PFC Shifflet 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, PFC Shifflet's name is listed on the Vietnam Memorial Wall in Washington, D.C., Panel 25 W, Line 55; and

Whereas, PFC Shifflet was one of several hundred West Virginia residents and one of over 17 Randolph County residents to make the ultimate sacrifice for his county during the Vietnam War. He is buried in Mountain State Memorial Gardens in Gilman, Randolph County, West Virginia; and

Whereas, PFC Shifflet, on his date of death, left behind his father Henry G. Shifflet, his mother Marietta Shifflet, sisters: Ethel Mele, Judith Ferguson, Mary Shockey and brothers, Edward, Steven, and Timothy Shifflet; and

Whereas, The ultimate sacrifice of this brave and courageous son of Randolph County, West Virginia, requires us to honor Private First Class David Henry Shifflet by ensuring that future generations are aware of his sacrifice in the cause of freedom; and

Whereas, The Leland D. "Crow" Crawford Detachment 956, Marine Corps League, Elkins, West Virginia requests this honor for a son of Randolph County, West Virginia, who answered our nation's call of duty; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 42.219/86-001.86 (42A143), locally known as Gilman Bridge, carrying US Route 219 over Leading Creek in Randolph County, the "PFC David Henry Shifflet 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 "PFC David Henry Shifflet 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 Walker, Zukoff, Estep-Burton, Lavender-Bowe, Pyles, Summers, Rowan, Worrell, Storch, Lovejoy and Rodighiero offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

H. C. R. 44 - "Requesting the Department of Administration to conduct a comprehensive study and to report to the Joint Committee on Government and Finance regarding suitable physical, technological, and procedural accommodations for disabled persons in all buildings of the West Virginia State Capitol Complex."

Whereas, The Centers for Disease Control report that 39.2 percent of adults in West Virginia are adversely affected by some form of disability and the West Virginia Department of Education reports that 15.76 percent of West Virginia students, aged six to 21, have some form of disability requiring accommodation by the schools; and

Whereas, Article III, section 16 of the Constitution of West Virginia guarantees the right of all people to consult for the common good, to instruct their representatives, and to apply to their government for redress of grievances; and

Whereas, The people cannot properly benefit from, or exercise, this right when the public cannot communicate with their representatives and public servants because those representatives lack the tools and aids to address and respond to all members of the public; and

Whereas, This right is also impaired when the design, construction, and placement of public facilities and equipment, and the use of unsuitable materials, creates barriers to, or unnecessary hardships and negative effects for, disabled members of the public; and

Whereas, Federal laws, such as the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973, require the implementation of reasonable accommodations to facilitate the equal exercise of rights of all people to public services, programs, and activities; and

Whereas, Accommodations for disabled persons comprise a far broader range of adaptations than the construction of ramps and handrails, and can include adaptations in processes and the delivery of programs, technological aids, acoustical engineering, and specialized services of trained personnel; and

Whereas, The State of West Virginia has a solemn obligation to protect the rights of its people guaranteed under the Constitution and laws of this state and this nation; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Department of Administration to conduct a comprehensive study and to report to the Joint Committee on Government and Finance regarding suitable physical, technological and architectural accommodations for disabled persons in all buildings of the West Virginia State Capitol Complex; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution to the Secretary of Administration.

Delegates Robinson, Rowe, Estep-Burton, Byrd, Pushkin, Skaff and Linville offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 45 - "Requesting the Division of Highways name bridge number 20-11-1.21 (20A854), locally known as Alum Creek Bridge 1.21, carrying County Route 11 over Alum Creek in Kanawha County, the 'U. S. Army Sgt John Matthew Tully Memorial Bridge'."

Whereas, Sgt Tully was born on November 27, 1988, and grew up in Kanawha County, West Virginia; and

Whereas, Sgt Tully attended George Washington High School and graduated from high school in the spring of 2007; and

Whereas, Sgt Tully enlisted in the United States Army after graduating high school on July 18, 2007, during the conflict with Iraq; and

Whereas, Sgt Tully was stationed at Fort Riley, Kansas and was assigned to the 2nd Heavy Brigade Combat Team, 1st Infantry Division, also known as "The Big Red One," where Sgt Tully served two tours of duty in Baghdad, Iraq; and

Whereas, Sgt Tully earned many decorations during his time of service including the National Defense Service Medal, Global War of Terrorism Service Medal, and the Iraq Campaign Medal with a Campaign Star while serving in Operation Iraqi Surge during 2008-2009; and

Whereas, Sgt Tully returned home to Kanawha County, West Virginia after serving his country to start a new life as a civilian; and

Whereas, Sgt Tully passed away at the young age of 31; and

Whereas, It is fitting that an enduring memorial be established to commemorate Sgt John Matthew Tully 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 20-11-1.21 (20A854), locally known as Alum Creek Bridge 1.21, carrying County Route 11 over Alum Creek in Kanawha County, the "U. S. Army Sgt John Matthew Tully 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 Sgt John Matthew Tully 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 Toney, Cooper, Paynter and Bates offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 46 - "Requesting the Division of Highways name that portion of County Route 1, beginning at Toney Fork Road at the Clear Creek Presbyterian Church and ending at the Clear Fork Unincorporated sign next to Goodie's Place Lane, in Raleigh County, the 'U.S. Army CSM Hugh H. 'Smokey' Stover Memorial Road'."

Whereas, U.S. Army Command Sergeant Major Hugh H. 'Smokey' Stover was born at Clear Creek, West Virginia on September 30, 1919, to Huey H. and Nora Clay Stover, and passed away on March 12, 2010, in Shady Spring, West Virginia; and

Whereas, Command Sergeant Major Stover retired from the Army with more than 27 years of service, having entered the Army in 1940 as the United States began its military buildup for World War II. During the 35 months he spent in the Pacific, including the New Guinea Campaign, and earned the Bronze Star Medal for meritorious service. In addition to the Bronze Star, he earned the Army Commendation Medal, the Combat Infantryman Badge, the Good Conduct Medal with eight clasps, the National Defense Service Medal with two Oak Leaf Clusters, the American Defense Service Medal, the Pacific Campaign Medal and the Army Occupation Medal (Germany); and

Whereas, Upon his retirement from the Army, Command Sergeant Major Stover was a truck driver for Raleigh Ready Mix. He helped in the construction of the New River Gorge Bridge; and

Whereas, Command Sergeant Major Stover was an avid baseball fan and played for the Raleigh County League "B" Division in Ameerle. He continued playing baseball and ran track while in the military. He was a member of the First Baptist Church of Shady Spring; and

Whereas, In addition to his parents, Command Sergeant Major Stover was preceded in death by his wife of 56 years, Christine Stover; brothers, Glen, Wade, Tracy, Gerald Wayne "Jim," Sheldon, Nelson; sisters, Ora Dunbar, Farris Buzzard, Sally Scarbro and Vicky Stover; and

Whereas, At the time of his passing, Command Sergeant Major Stover's left behind his daughter, Karen and her husband, Danny Wood; son, Stephen and wife, Evangeline; grandchildren, Eric Wood and his wife, Amy; Adam Wood and wife, Angela; Ryan Wood, Matthew Stover; Megan and husband, Chris Genge; Zach Stover and his wife, Tiffany; Great-grandchildren Amanda and Lacie Wood, Brett Wood, Payton, Gavin Stover and Jonas Genge; his sisters, Wanda Craddock; Ruby and husband, Chuck Gloch; Susie and husband, Harvey Atkins; and his brothers, Elbert and wife, Kitty Stover; Doff and wife, Dorlene Kincaid; and

Whereas, It is fitting that an enduring memorial be established to commemorate Command Sergeant Major Stover and his contributions to our nation, state and his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name that portion of County Route 1, beginning at Toney Fork Road at the Clear Creek Presbyterian Church and ending at the Clear Fork Unincorporated sign next to Goodie's Place Lane, in Raleigh County, the "U.S. Army CSM Hugh H. 'Smokey' Stover Memorial Road"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs containing bold and prominent letters identifying the road as the "U.S. Army CSM Hugh H. 'Smokey' Stover Memorial Road"; and, be it

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

Delegates Robinson, Estep-Burton, Rowe and Skaff offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 47 - "Requesting the Division of Highways name Sand Plant Road, County Road 15/9, beginning at U.S. 119 and ending at Brounland Road, the 'U. S. Army Air Corps SSGT Charles Dexter Duncan Memorial Road'."

Whereas, Charles Dexter Duncan was born on July 31, 1925, in the coal mining community of Olcott, West Virginia to parents Lawrence and Tressa Griffith Duncan; and

Whereas, Charles D. Duncan was industrious and forward-thinking from childhood and demonstrated these traits while maintaining a long paper route by foot; and

Whereas, Charles D. Duncan graduated from Washington District High School in 1943; and

Whereas, On November 29, 1943, Charles D. Duncan joined the United States Army Air Corps and trained at the Aerial Gunnery School in Maxwell Field, Alabama; and

Whereas, Charles D. Duncan was stationed at San Giovanni Air field in Italy serving as a belly ball turret gunner for the Liberator Squadron, 304th Bombardment Wing, 454th Bombardment Group; and

Whereas, SSGT Duncan flew 33 successful bombing missions, eliminating strategic targets over Poland, Austria and Germany; and

Whereas, SSGT Duncan was honorably discharged on November 7, 1945, with the rank of Staff Sergeant; and

Whereas, SSGT Duncan returned home to West Virginia and married Helen Fitzwater in 1949 and had four children, Diana Duncan Morris, Dreama Duncan Watts, C.D. Duncan, and Jill Duncan Novak; and

Whereas, SSGT Duncan and Helen Fitzwater Duncan built a loving and close-knit family with their children, prioritizing education and instilling a desire to succeed; and

Whereas, SSGT Duncan became a member of the Pipefitters Union and he helped to refurbish The Greenbrier after it was used as a military hospital; and

Whereas, SSGT Duncan then worked through the ranks at the FMC Plant in South Charleston, West Virginia, where he retired as a production supervisor in 1987; and

Whereas, SSGT Duncan served on the Democratic Executive Committee in the 1950s and 1960s to work on school and road improvements for Washington District; and

Whereas, SSGT Duncan worked diligently and helped establish the Washington Public Service District which provided a safe and reliable source of water to his community; and

Whereas, SSGT Duncan served as an officer of the Reunion Group Association of the 454th Bombardment Group; and

Whereas, SSGT Duncan was a member of the VFW Post 4768 in Alum Creek where he honored the service of fellow members and served his community; and

Whereas, SSGT Duncan passed away at the age of 91 on April 22, 2017; and

Whereas, SSGT Duncan lived his life in service of his country, his community and his family; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Sand Plant Road, County Road 15/9, beginning at U.S. 119 and ending at Brounland Road, the "U. S. Army Air Corps SSGT Charles Dexter Duncan Memorial Road"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying that portion of the road the "U. S. Army Air Corps SSGT Charles Dexter Duncan Memorial Road"; and, be it

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

Delegates Householder, Maynard, Hanna, J. Jeffries, Paynter, Linville, Dean, Pack, Foster, Kessinger and Wilson offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 48 - "Applying to the Congress of the United States to call a convention for proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and adopting certain reservations, understandings and declarations limiting the application."

Whereas, Executive orders by the President of the United States have become a vehicle through which the President may overstep the limits of his or her constitutional authority; and

Whereas, The concentration of power at the federal level has had the effect of making federal officials less responsive to the will of the people and more readily influenced by lobbyists, wealthy corporations and special interests in Washington, D. C.; and

Whereas, Much of federal law is now enacted by federal bureaucrats who were never chosen by the people and have no accountability to the people whatsoever; and

Whereas, Policy decisions made at the state level tend to be more responsive to the needs and desires of the people; and

Whereas, The federal government has created a crushing national debt through improper and imprudent spending; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are unfunded to a great extent and

Whereas, The states have the ability to restore the responsiveness of government to the people and to restrain abuses of federal power by proposing amendments to the Constitution of the United States through a limited convention of the states under Article V; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution, legislative call and application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Representatives from this state; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation; and, be it

Further Resolved, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject; and, be it

Further Resolved, The West Virginia Legislature adopts this application expressly subject to the following reservations, understandings and declarations:

(1) An application to the Congress of the United States to call an amendment convention of the states pursuant to Article V of the United States Constitution confers no power to Congress other than the power to call such a convention. The power of Congress to exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a convention;

(2) Congress shall perform its ministerial duty of calling an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially same purpose as this application from two-thirds of the legislatures of the several states;

(3) Congress does not have the power or authority to determine any rules for the governing of an amendment convention of the states called pursuant to Article V of the United States Constitution. Congress does not have the power to set the number of delegates to be sent by any state to such a convention, nor does it have the power to name delegates to such a convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;

(4) By definition, an amendment convention of the states means that states shall vote on the basis of one state, one vote;

(5) A convention of the states convened pursuant to this application shall be limited to consideration of the topics specified herein and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify or repeal any provision of the Bill of Rights shall not be authorized for consideration at any stage. This application shall be void *ab initio* if ever used at any stage to consider any change to any provision of the Bill of Rights;

(6) Pursuant to Article V of the United States Constitution, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The West Virginia Legislature recommends that Congress select ratification by the legislatures of the several states; and

(7) The West Virginia Legislature may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided.

And,

Delegates Rodighiero, Tomblin, N. Brown, R. Thompson and Hicks offered the following resolution, which was read by its title and referred to the Committee on the Judiciary then Rules:

H. C. R. 49 - "Declaring West Virginia to be a Second Amendment Sanctuary State."

Whereas, The Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms; and

Whereas, The Supreme Court of the United States in *District of Columbia v. Heller*, 554 U.S. 570 (2008), affirmed an individual's right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and

Whereas, The Supreme Court of the United States in *McDonald v. Chicago*, 561 U.S. 742 (2010), affirmed that the right of an individual to "keep and bear arms," as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment and thereby made applicable to the states; and

Whereas, The Supreme Court of the United States in *United States v. Miller*, 307 U.S. 174 (1939), held that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense, are protected by the Second Amendment; and

Whereas, Section 22 of Article III of the West Virginia Constitution provides that a "person has the right to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use"; and

Whereas, Section 10 of Article III of the West Virginia Constitution provides that no "person shall be deprived of life, liberty, or property, without due process of law, and the judgment of his peers"; and

Whereas, Section 6 of Article III of the West Virginia Constitution provides that the "rights of the citizens to be secure in their houses, persons, papers and effects, against unreasonable searches and seizures, shall not be violated"; and

Whereas, Section 9 of Article III of the West Virginia Constitution provides that private property "shall not be taken or damaged for public use, without just compensation"; and

Whereas, The right to keep and bear arms is a fundamental individual right that shall not be infringed; and

Whereas, It is the desire of the Legislature to declare the State of West Virginia as a Sanctuary State for Second Amendment rights and oppose, within the limits of the Constitutions of the United States and West Virginia, any efforts to unconstitutionally restrict those rights, and to use the legal means at its disposal to protect the right of the citizens to keep and bear arms, including through legal action, the power of appropriation of public funds and the right to petition for redress of grievances; and

Whereas, The legislators each took an oath to support and defend the United States Constitution and the West Virginia Constitution; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature declares West Virginia to be a Second Amendment Sanctuary State; and further,

That the Legislature opposes any unconstitutional firearms law or any federal or state act, law, order, rule or regulation, which restricts an individual's constitutional right to keep and bear arms, firearm accessories or ammunition; and, be it

Further Resolved, That the Clerk of the House of Delegates shall forward a copy of this resolution to the Governor, every county commission within the State of West Virginia, and the United States Congress.

Motions

Pursuant to House Rule 58, Delegate R. Miller, having voted on the prevailing side when the House of Delegates rejected **Com. Sub. for H. B. 2433** on yesterday, moved that the vote be reconsidered.

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

The yeas and nays having been ordered, they were taken (**Roll No. 62**), and there were—yeas 46, nays 52, absent and not voting 2, with the yeas and absent and not voting being as follows:

Yeas: Anderson, Angelucci, Azinger, Bates, N. Brown, S. Brown, Campbell, Canestraro, Caputo, Cooper, Dean, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hicks, Hornbuckle, J. Jeffries, J. Kelly, Lavender-Bowe, Longstreth, Lovejoy, Maynard, Miley, Miller, Paynter, Pethtel, Pushkin, Robinson, Rodighiero, Rohrbach, Rowan, Skaff, Sponaugle, Staggers, C. Thompson, R. Thompson, Tomblin, Toney, Walker, Williams and Zukoff.

Absent and Not Voting: Byrd and Mandt.

So, a majority of the members present and voting not having voted in the affirmative, the motion to reconsider the vote by which the House of Delegates rejected Com. Sub. for H. B. 2433 did not prevail.

Bills Introduced

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

By Delegates Evans, Shott, Paynter, Estep-Burton, Lavender-Bowe, Zukoff, Miley, Caputo, Fleischauer, R. Thompson and Rodighiero:

H. B. 4602 - "A Bill to amend and reenact §17C-5-1 of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for DUI causing death when a child is present in the vehicle at the time of the accident"; to the Committee on the Judiciary.

By Delegates Worrell and Linville:

H. B. 4603 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-8-17, relating to choice of law provisions in franchise agreements;

declaring agreement voidable if it provides the agreement to be interpreted pursuant to the law of any other state; and establishing effective date of amendments”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

By Delegates Howell, C. Martin, Hamrick, Barnhart and Jennings:

H. B. 4604 - “A Bill to amend and reenact §30-40-17 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that real estate brokers, associate brokers, and salespeople have a fixed office location”; to the Committee on Government Organization.

By Delegates Howell, C. Martin and Hamrick:

H. B. 4605 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-2A-2, relating to authorizing the Department of Health and Human Resources to transfer comprehensive community mental health centers and comprehensive intellectual disability facilities to regional mental health centers or regional intellectual disability facilities”; to the Committee on Health and Human Resources.

By Delegates Howell, C. Martin, Hamrick, Little, Barnhart, Sypolt and Jennings:

H. B. 4606 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-11-6a, relating to listing contractor classifications on a contractor license”; to the Committee on Government Organization.

By Delegate Howell:

H. B. 4607 - “A Bill to amend and reenact §30-27-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact said code by adding thereto a new section, designated §30-27-17a, all relating to authorizing the operation of mobile shops for hair, nail, cosmetology, and aesthetics services; defining ‘mobile shop’; establishing prerequisites for operation of a mobile shop; specifying mandatory features and systems; setting the term of licenses; and requiring shop identification and display of license”; to the Committee on Government Organization.

By Delegates D. Kelly, Miller, Williams, Canestraro, Steele, D. Jeffries and Atkinson:

H. B. 4608 - “A Bill to amend and reenact §30-29-3 and §30-29-5 of the Code of West Virginia, 1931, as amended, relating to the duties of the law-enforcement training and certification subcommittee; providing for a minimum of 800 classroom hours for a law-enforcement academy; clarifying that the required classroom hours shall be accumulated on the basis of a full-time curricula; authorizing the law-enforcement training and certification subcommittee to deny an application for the establishment of a new law-enforcement academy if it is determined that no need exists; requiring that a person seeking certification complete the approved law-enforcement training academy within 18 consecutive months of the commencement of employment as a law-enforcement officer; authorizing extensions of such requirement; requiring graduates of state law-enforcement academies successfully complete an entry level law-enforcement examination promulgated by the law-enforcement training and certification subcommittee prior to certification; establishing time frames for completion of training requirements; and making technical corrections”; to the Committee on Veterans’ Affairs and Homeland Security then the Judiciary.

By Delegates Wilson, Bibby, Hardy, Foster, C. Martin, P. Martin, J. Jeffries, Kessinger, Phillips, D. Jeffries and Dean:

H. B. 4609 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-11A-1 and §16-11A-2, all relating to limiting minors’ access to gender reassignment surgery or hormone replacement therapy; providing that a parent, guardian, or other legal custodian of a child seeking hormone replacement therapy or gender reassignment surgery may not substitute his or her consent for that of the child; providing restrictions on physicians using telehealth services in this state; and providing that upon reaching 18 years of age a person may be

eligible for gender reassignment surgery or hormone replacement therapy”; to the Committee on the Judiciary.

By Delegates Zukoff, Shott, Barrett, J. Kelly, Skaff, Criss, Lavender-Bowe, Bates, Canestraro, Storch and Pyles:

H. B. 4610 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-71c, relating to withholding tax on income of nonresidents from natural resources royalty payments; providing legislative findings; defining terms; providing exceptions to the withholding tax requirement; requiring lessee annual withholding statements and filing requirements; requiring electronic filing under specified circumstances; creating penalties; providing for rule-making; and providing an effective date”; to the Committee on Energy then Finance.

By Delegates J. Jeffries, D. Jeffries, Hanna, Maynard, Porterfield, Phillips, Paynter, Barnhart, C. Martin, Linville and Pack:

H. B. 4611 - “A Bill to amend and reenact §29-3E-5 and §29-3E-8 of the Code of West Virginia, 1931, as amended, all relating to fireworks; reducing fees for retail sales locations and requiring provision for fireworks retailers to combine and pay all applicable fees in a single payment”; to the Committee on Finance.

By Delegates Hanna, Hill and Pack:

H. B. 4612 - “A Bill to amend and reenact §16-5-3 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Health and Human Resources to include in legislative rules for vital statistics that death certificates contain a space for stating ‘proximate cause of death’ as well as ‘cause of death’”; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Butler:

H. B. 4613 - “A Bill to amend and reenact §22-15-11 of the Code of West Virginia, 1931, as amended, relating to disbursement of the funds in the ‘Gas Field Highway Repair and Horizontal Drilling Waste Study Fund’ for highway road repair; providing that money from the fund is to be expended within the district where gas field and horizontal drilling waste is deposited; and updating grammatical style throughout the section”; to the Committee on Technology and Infrastructure then Finance.

By Delegates Pushkin, Ellington, Skaff, Estep-Burton, Robinson, Capito, Nelson, Byrd and Rowe:

H. B. 4614 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-13e; relating to seat belts on school buses; stating findings; requiring seat belts on every new school bus; providing authority to retrofit older buses with seat belts as funds are available; and providing for rules”; to the Committee on Education then Finance.

By Delegates J. Kelly, Anderson, D. Kelly, Zukoff, Pethel, Westfall, Azinger, Sypolt, Jennings, Atkinson and Barnhart:

H. B. 4615 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-10-34, relating to establishing the West Virginia Critical Infrastructure Protection Act; defining terms; creating a criminal offense of trespass upon property containing a critical infrastructure facility, upon property containing a critical infrastructure facility with intent to interrupt the lawful operations of the facility; and for causing willful damage to a critical infrastructure facility; establishing criminal offense of conspiracy to commit trespass; establishing criminal penalties; providing for civil liability”; to the Committee on the Judiciary.

By Delegates Wilson, McGeehan, Miller, Pack, R. Thompson, Jennings, Foster, Little, Waxman, P. Martin and Hardy:

H. B. 4616 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §6E-1-1, relating to creating a customer service quality reporting system for public officials and public employees who interact with the general public"; to the Committee on Government Organization.

By Delegates Wilson, McGeehan, Pack, R. Thompson, Foster, Jennings, Little, Waxman, P. Martin, D. Jeffries and Graves:

H. B. 4617 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, relating to requiring the State Auditor to conduct financial audits of state agencies and departments"; to the Committee on Government Organization.

By Delegates Steele, Dean, Howell, Householder, Summers, Pack, Phillips, Kessinger, J. Jeffries, Foster and Graves:

H. B. 4618 - "A Bill to amend and reenact §61-7-10 of the Code of West Virginia, 1931, as amended, relating to removing from the code, language prohibiting the public display and offering for rent or sale to a passersby on a street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun, or ammunition for same"; to the Committee on the Judiciary.

By Delegates Hanshaw (Mr. Speaker), Capito, Atkinson, Westfall, Queen, Nelson, Summers, J. Kelly, Barrett, Boggs and Miley:

H. B. 4619 - "A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §24-2-1o, all to authorize the Public Service Commission to approve plans proposed by electric utilities to install middle-mile broadband fiber and provide expedited cost recovery"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Rohrbach:

H. B. 4620 - "A Bill to amend and reenact §16-59-1 of the Code of West Virginia, 1931, as amended; relating to certification of recovery residences; and redefining definition of 'recovery residence'"; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

Special Calendar

Third Reading

Com. Sub. for H. B. 4026, Exempting businesses transporting scrap tires, waste tires, or other used tires, from certain statutory provisions; 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. 63**), and there were—yeas 96, nays 2, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Hanna and Zukoff.

Absent and Not Voting: Byrd 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. 4026) 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. 4353, Creating a rational nexus requirement between prior criminal conduct and initial licensure decision making; 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. 64**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: C. Martin.

Absent and Not Voting: Byrd and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4353) 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. 4476, Providing for the timely and efficient collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases; 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.

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 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. 65**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Byrd and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4496) 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. 4501, Relating to the ability to refuse offenders for commitment to a jail; 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. 66**), and there were—yeas 80, nays 18, absent and not voting 2, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, S. Brown, Canestraro, Caputo, Fleischauer, Fluharty, Hicks, Hornbuckle, Lovejoy, McGeehan, Miley, Pushkin, Robinson, Rowe, Steele and Wilson.

Absent and Not Voting: Byrd and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4501) 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. 4510, Prohibiting bodily intrusion by an inmate upon any person at any correctional facility; 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. 67**), 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: S. Brown, Byrd and Mandt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4510) 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. 2338, Allowing the owner of an antique military vehicle to display alternate registration insignia; 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 three-a, line seven, after the words “and marking accurately”, by inserting a comma and the words “but not including any vehicles or trailers currently in service”.

The bill was then ordered to engrossment and third reading.

H. B. 4179, Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4359, Increasing the filing fees for insurers; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4381, Relating to lifetime hunting, fishing and trapping licenses for adopted children; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Atkinson, the bill was amended, on page one, section seven, line six, by striking out all of subsection (b) and inserting in lieu thereof the following:

“(b) The director shall propose a rule for legislative approval in accordance with §29A-3-1 *et seq.*, of this code, setting the fees for the lifetime licenses. The rule shall provide that the fee for any resident who has not reached his or her second birthday shall be one half of the adult fee set under

the rule. The rule shall also provide that the fee for any resident who has not reached his or her 12th birthday and has been legally adopted, shall be provided with a period of two years from the date of entry of the order or decree of adoption to obtain his or her lifetime license at one half of the adult fee set under the rule. The fees for lifetime licenses shall be 23 times the fee for the equivalent annual licenses or stamps.”

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4470, Relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services; 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. 3049, Improving dissemination of boiled water advisories to affected communities,

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

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

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

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

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

H. B. 4600, Relating to the definition of the term member regarding distributing premium tax proceeds,

And,

H. B. 4601, Relating to distribution of premium tax proceeds to municipal policemen’s and firemen’s pension and relief funds.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Byrd 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 Capito for H. B. 2164
- Delegate Porterfield for H. B. 4395 and H. B. 4445

- Delegates Cadle and J. Jeffries for H. B. 4478
- Delegates N. Brown, S. Brown, Fast and Steele for H. B. 4559
- Delegate Bates for H. B. 4003
- Delegates Bartlett and Sypolt for H. B. 4478
- Delegate Pyles for H. B. 4589
- Delegate Butler for H. B. 4635
- Delegate Porterfield for H. B. 2314, H. B. 2605, H. B. 4531, H. B. 2724, H. B. 4404 and H. B. 4478

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

- Delegates Angelucci, Longstreth, C. Thompson, Williams and Zukoff for H. B. 4575

At 12:10 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, January 31, 2020.

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

SPECIAL CALENDAR

Friday, January 31, 2020

24th Day

11:00 A. M.

THIRD 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)
- H. B. 4476 - Providing for the timely and efficient collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases (SHOTT) (REGULAR)

SECOND 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)

FIRST READING

H. B. 2164 - Clarifying that appeals to the Supreme Court are a matter of right (SHOTT) (REGULAR)

Com. Sub. for H. B. 2892 - Including digital and virtual information in the definition of property that can be searched and seized by a warrant (SHOTT) (REGULAR)

Com. Sub. for H. B. 4001 - Creating West Virginia Impact Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE)

Com. Sub. for H. B. 4102 - Relating to opioid antagonists (HILL) (REGULAR)

Com. Sub. for H. B. 4137 - Allowing counties to store and maintain voter registration records in a digital format (STORCH) (REGULAR)

H. B. 4412 - Relating to education benefits to members of the West Virginia Army National Guard and West Virginia Air National Guard (ELLINGTON) (EFFECTIVE FROM PASSAGE)

HOUSE CALENDAR

Friday, January 31, 2020

24th 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**

FRIDAY, JANUARY 31, 2020

HOUSE CONVENES AT 11:00 A.M.

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

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

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

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

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