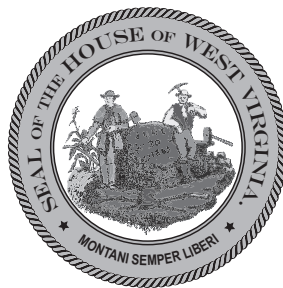


West Virginia Legislature

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February 14, 2020
THIRTY-EIGHTH DAY

Friday, February 14, 2020

THIRTY-EIGHTH 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 Thursday, February 13, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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. 4543, Relating to insurance coverage for diabetics,

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

Com. Sub. for H. B. 4543 - "A Bill to repeal an article designated §33-15C-1 of the Code of West Virginia, 1931, as amended; to amend said code by repealing one section, designated §33-16-16, of said code; to amend said code by adding thereto a new article designated, §33-53-1, of said code; and to amend and reenact two sections designated §5A-3-1a and §5-16-7, of said code, all relating to insurance coverage for diabetics,"

With the recommendation that the committee substitute do pass.

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. 4649, Relating to implementation of trauma-informed practices in schools,

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

Com. Sub. for H. B. 4649 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to implementation of trauma-informed practices in schools; providing for an effective date; requiring training for certain school personnel; providing definition of trauma-informed practices including certain evidence-based professional development, adoption of certain disciplinary procedures and practices, and activities that engage certain school personnel in school-based planning to achieve certain objectives; and providing for rulemaking,"

With the recommendation that the committee substitute do pass.

Pursuant to House Rule 80, the Speaker referred Com. Sub. for H. B. 4649 to the Committee on Finance.

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. 4804, Relating to comprehensive systems of support for teacher and leader induction and professional growth,

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. 4804) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

H. B. 4714, Increasing the monetary threshold for requiring nonprofit organizations to register as a charitable organization,

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

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

Your Committee on Government Organization has had under consideration:

H. B. 4748, Relating to the increase of fees that private nongovernment notary publics may charge for notarial acts,

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. 4748) was referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration:

H. B. 2028, Limiting supervision of laying of lines on state rights-of-way,

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

Com. Sub. for H. B. 2028 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-13A-9b, relating to public service districts' laying of water or sewer lines on state rights-of-way; limiting the onsite time required supervision by a state engineer; and requiring payment and performance bonds to cover a reasonable length of time for defects to be discovered,"

H. B. 2663, Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code,

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

Com. Sub. for H. B. 2663 - "A Bill to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to exempting buildings or structures utilized exclusively for agricultural production or storage purposes from the provisions of the State Building Code which may be adopted by any county or municipality; exempting property used for agricultural purposes from county property maintenance codes or ordinances and limiting the exemption to agricultural operations to only those with not more than 5 full time annual employees,"

H. B. 4099, Eliminating the permit for shampoo assistants,

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

Com. Sub. for H. B. 4099 - "A Bill to repeal §30-27-11a of the code of West Virginia, 1931, as amended; to amend and reenact §30-27-1 and §30-27-3 of said code, all relating to eliminating the regulation of shampooing and eliminating the permit requirement for shampoo assistants,"

And,

H. B. 4537, Establishing a study conducted by the Division of Natural Resources on the Upper Mud River Lake,

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

Com. Sub. for H. B. 4537 - "A Bill to amend and reenact §20-7-23 of the Code of West Virginia, 1931, as amended, relating to allowing boats with motors larger than 10 horsepower to idle on the Upper Mud River Lake; and requiring the Division of Natural Resources to create special permits for 100 boaters,"

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. 4773, Creating a workgroup to investigate and recommend screening protocols for adverse childhood trauma in this state,

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

Com. Sub. for H. B. 4773 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5AA-1, all relating to creating a workgroup to study protocols for adverse childhood trauma in this state; designating members of workgroup; providing

for duties of workgroup; providing that the West Virginia Bureau of Public Health shall provide staff for the workgroup; providing for public hearings; and providing for the submission of a final report to the Legislature,”

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. 4784, Relating to disposal of unused, unwanted or expired medications,

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. 4784) was referred to the Committee on the Judiciary.

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. 4605, Transferring state facilities to comprehensive regional mental health centers,

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

Com. Sub. for H. B. 4605 - “A Bill to amend and reenact §27-2A-1 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §27-2A-2, all relating to authorizing the Department of Health and Human Resources to transfer certain properties; permitting the department to transfer property to a to regional mental health center; permitting the department to transfer property to a regional intellectual disability facility; setting forth conditions which shall be satisfied before a transfer occurs; permitting the property to be used as collateral for a loan; permitting renovations of the property; and exempting the transfer from certain statutory requirements,”

With the recommendation that the committee substitute do pass.

Pursuant to House Rule 80, the Speaker referred Com. Sub. for H. B. 4605 to the Committee on Finance.

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. 4862, Including emergency response vehicles in the single fee program for EZ Pass transponders,

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. 4862) was referred to the Committee on Finance.

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. 4778, Creating the First Responders Mental Health Advisory Board,

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. 4778) was referred to the Committee on Health and Human Resources.

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. 4705, Including three types of cancer for which rebuttable presumption of injury from employment exists for firefighters,

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. 4705) was referred to the Committee on the Judiciary.

Delegate Queen, Chair of the Committee on Small Business, Entrepreneurship and Economic Development, submitted the following report, which was received:

Your Committee on Small Business, Entrepreneurship and Economic Development has had under consideration:

H. B. 4603, Relating to choice of law provisions in franchise agreements,

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. 4603) was referred to the Committee on the Judiciary.

Delegate Queen, Chair of the Committee on Small Business, Entrepreneurship and Economic Development, submitted the following report, which was received:

Your Committee on Small Business, Entrepreneurship and Economic Development has had under consideration:

H. B. 4574, Establishing Just Transition Support for Coal-Related Jobs,

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. 4574) was referred to the Committee on Government Organization.

Delegate Fast, Chair of the Committee on Industry and Labor, submitted the following report, which was received:

Your Committee on Industry and Labor has had under consideration:

H. B. 2646, Providing a safe harbor for employers to correct underpayment or nonpayment of wages and benefits due to separated employees,

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. 2646) was referred to the Committee on the Judiciary.

On motion for leave a resolution was introduced (Originating in the Committee on Industry and Labor and reported with the recommendation that it be adopted, but that it first be referred to the Committee on Rules), which was read by its title, as follows:

By Delegate Fast:

H. C. R. 85 – “Requesting the Joint Committee on Government and Finance study ways that the state can leverage technology to monitor contracts, provide vendor management, and provide oversight of work done on behalf of the state by vendors.”

Whereas, Since the American Revolution, women served on the battlefield alongside men, despite Army regulations stating only men can enlist, women joined the fighting disguised as young men; and

Whereas, Women constitute approximately 15 percent of our military personnel on active duty; and

Whereas, Women constitute more than 10 percent of the veteran population which is more than 2 million women; and

Whereas, West Virginia proudly appreciates the service of its women veterans who have demonstrated great skill, sacrifice, and commitment to defending the principles upon which our Nation was founded; and

Whereas, The State of West Virginia recognizes the growing presence of women in our Nation’s armed forces and the State’s National Guard and wishes to respect women veterans for their honorable military service by designating a day as “Women Veterans Appreciation Day” in West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia Legislature designates June 12th of each year as West Virginia Women Veterans Appreciation Day and pays tribute to our brave women veterans; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Governor.

The Speaker referred the resolution (H. C. R. 85) to the Committee on Rules.

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. 4450, Relating to instruction permits issued by the Division of Motor Vehicles,

H. B. 4495, Extending the validity of a level one instruction driver's permit,

And,

H. B. 4499, Relating to multicounty trail network authorities,

And reports the same back with the recommendation that they each do pass, and with the recommendation that second reference to the Committee on Government Organization be dispensed with.

In accordance with the former direction of the Speaker, H. B. 4495 was referred to the Committee on Government Organization.

In the absence of objection, the second references of H. B. 4450 and H. B. 4499 to the Committee on Government Organization were each dispensed with.

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. 4504, Relating to renewal application requirements for individuals with permanent disabilities,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (H. B. 4504) to the Committee on the Judiciary was abrogated.

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. C. R. 4, U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge,

H. C. R. 14, U. S. Army, Staff Sargent Wendell Otho Casto Memorial Bridge,

H. C. R. 19, Gold Star Families Highway,

H. C. R. 34, Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families,

H. C. R. 35, U.S. Navy BT 2nd Wade E. Burnside Memorial Bridge,

H. C. R. 38, U. S. Army PFC Nile C. Ballard Memorial Road,

H. C. R. 39, Coach Kenny Wright Road,

H. C. R. 45, U. S. Army Sgt John Matthew Tully Memorial Bridge,

H. C. R. 52, U. S. Army PFC Paul Eugene Gregg Memorial Bridge,

H. C. R. 53, U. S. Army Air Corps T SGT Ralph H. Ray Memorial Bridge,

H. C. R. 55, Pendleton County Veterans Killed in Action Memorial Bridge,

H. C. R. 62, USMC Cpl Guy Maywood Edwards Memorial Bridge,

H. C. R. 65, U. S. Army TEC5 Donald "Tiny" Lucas Memorial Bridge,

And,

H. C. R. 70, U. S. Army Air Corps Private Albert J. Sutphin Memorial Highway,

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 4, H. C. R. 14, H. C. R. 19, H. C. R. 34, H. C. R. 35, H. C. R. 38, H. C. R. 39, H. C. R. 45, H. C. R. 52, H. C. R. 53, H. C. R. 55, H. C. R. 62, H. C. R. 65 and H. C. R. 70) were each referred to the Committee on Rules.

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. C. R. 13, Watts Brothers Memorial Road,

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

Com. Sub. for H. C. R. 13 – "Requesting the Division of Highways name a portion of WV Route 42 in Mineral County from its intersection with WV Route 46 in Elk Garden to the West Virginia/Maryland border, the 'Watts Brothers Veterans Memorial Road',"

H. C. R. 17, U. S. Army PFC William E. "Ed" Smith and W. Va. Army Nat. Guard SSG Edward L. "Eddie" Smith Memorial Bridge,

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

Com. Sub. for H. C. R. 17 – "Requesting the Division of Highways name bridge number 21-15-2.39 (21A165), locally known as Vandalia Bridge, carrying County Route 15 over Skin Creek in Lewis

County, the 'U. S. Army PFC William E. "Ed" Smith and WVARNG SSG Edward L. "Eddie" Smith Memorial Bridge',"

H. C. R. 20, U. S. Army PFC James Ray Miller Memorial Bridge,

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

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

H. C. R. 21, U. S. Army Specialist, Four, Franklin D. Ashley II Memorial Bridge,

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

Com. Sub. for H. C. R. 21 – "That the Division of Highways is hereby requested to name bridge number 44-79-25([00A000]), locally known as the Amma/Big Sandy Creek Bridge, carrying Interstate 79 South over Big Sandy Creek and County Route 29 in Roane County, the 'U. S. Army SPC Franklin D. Ashley II Memorial Bridge'; and, be it,"

H. C. R. 32, Wolfe Brothers, Edward, William, Paul, George and Fred, WW II Veterans Memorial Bridge,

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

Com. Sub. for H. C. R. 32 – "Requesting the Division of Highways name bridge number 6-39-0.01, currently under construction, at the mouth of Mount Union Road at Route 10, in Cabell County, the 'Six Wolfe Brothers WW II Era Memorial Bridge',"

H. C. R. 33, U.S.A.F. Lt Col Frederick Donald Belknap Memorial Bridge,

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

Com. Sub. for H. C. R. 33 – "Requesting the Division of Highways to name bridge number 17-79-119.96 (17A318), locally known as Lodgeville I-79 Bridge, carrying Interstate 79 over CR 50/16, 50/25 and railroad in Harrison County, the 'U.S.A.F. LTC Frederick Donald Belknap Memorial Bridge',"

And,

H. C. R. 54, PFC Marvin K. "Sonny" Sherman Memorial Bridge,

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

Com. Sub. for H. C. R. 54 – "Requesting the Division of Highways name bridge number 12-042/06-003.19 (12A128), locally known as Possum Hollow Bridge, carrying County Route 42/6 over North Fork Lunice Creek in Grant County, West Virginia, the 'U.S. Army PFC Marvin K. "Sonny" Sherman Memorial Bridge',"

With the recommendation that the committee substitutes each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (Com. Sub. for H. C. R. 13, Com. Sub. for H. C. R. 17, Com. Sub. for H. C. R. 20, Com. Sub. for H. C. R. 21, Com. Sub. for H. C. R. 32, Com. Sub. for H. C. R. 33 and Com. Sub. for H. C. R. 54) were each referred to the Committee on Rules.

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. 4639, Changing frequency of mandatory state inspections of motor vehicles,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4639) was referred to the Committee on Finance.

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. 4530, Authorizing daily passenger rental car companies to charge reasonable administrative fees,

H. B. 4577, Establishing regulation of electric bicycles,

And,

H. B. 4651, Clarifying the powers and duties of the Division of Highways in acquiring property for state road purposes,

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 the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4530, H. B. 4577 and H. B. 4651) were each referred to the Committee on the Judiciary.

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. 4619, Approving plans proposed by electric utilities to install middle-mile broadband fiber,

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. 4619) was referred to the Committee on the Judiciary.

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. 4464, Relating to driving privileges and requirements for persons under the age of 18,

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. 4464) was referred to the Committee on Government Organization.

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. 4734, Rewriting the article on registered professional nurses,

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

Com. Sub. for H. B. 4734 - "A Bill to repeal §30-7-1a, §30-7-6a, §30-7-6b, §30-7-8a, §30-7-11a, §30-7-15a, §30-7-15b, §30-7-15c, §30-7-15d, and §30-7-15e of the Code of West Virginia, 1931, as amended; to repeal §30-7E-1, §30-7E-2, and §30-7E-3 of said code; to amend said code by adding thereto a new section, designated §16-5B-19; to amend and reenact §30-7-1, §30-7-2, §30-7-3, §30-7-4, §30-7-5, §30-7-6, §30-7-7, §30-7-8, §30-7-9, §30-7-10, §30-7-11, §30-7-12, §30-7-13, §30-7-14, §30-7-16, §30-7-17, §30-7-18, §30-7-19, and §30-7-20 of said code; to amend said code by adding thereto 11 new sections, designated §30-7-21, §30-7-22, §30-7-23, §30-7-24, §30-7-25, §30-7-26, §30-7-27, §30-7-28, §30-7-29, §30-7-30, and §30-7-31, all relating to the Board of Nursing, prohibiting the practice of nursing without a license; providing other applicable sections; defining terms; renaming the board; providing for board composition and qualifications; setting forth the powers and duties of the board; clarifying rule-making authority; continuing a special revenue account; establishing license and permit requirements; establishing qualifications for licensure; codifying a scope of practice; creating a temporary permit; providing for reciprocal licensure; establishing renewal requirements; providing for exemptions from licensure; creating a special volunteer license; continuing a Joint Advisory Council; providing the council's composition; providing council members' terms; providing powers of the council; providing duties of the council; setting forth limitations of the article; permitting the board to file an injunction; setting forth grounds for disciplinary actions; allowing for specific disciplinary actions; providing procedures for investigation of complaints; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; providing criminal offenses are to be reported to law enforcement; providing criminal penalties; repealing expired authority; and updating references,"

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

In the absence of objection, second reference of the bill (Com. Sub. for H. B. 4734) to the Committee on the Judiciary was abrogated.

Delegate Queen, Chair of the Committee on Small Business, Entrepreneurship and Economic Development, submitted the following report, which was received:

Your Committee on Small Business, Entrepreneurship and Economic Development has had under consideration:

H. B. 2724, Small Business Tax Credit,

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. 2724) was referred to the Committee on Finance.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 35, Limiting civil penalty for littering conviction to \$2,000.

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. 202 - "A Bill to amend and reenact §16-13A-3 of the Code of West Virginia, 1931, as amended, relating to allowing one member of a public district service board to be a county commissioner of the county commission with authority to appoint the members of the board, regardless of whether the commissioner resides within the district"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

Com. Sub. for S. B. 232 - "A Bill to amend and reenact §47-21-2, §47-21-20, and §47-21-26 of the Code of West Virginia, 1931, as amended, all relating to charitable raffles; removing outdated prohibitions against electronic or mechanical ticket dispensers and readers and associated digital fundraising platforms; limiting types and numbers of mechanical or electronic ticket dispenser systems; and removing restriction that a licensee may only use raffle equipment obtained from another licensee"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 532, Distributing assets remaining in municipal policemen's or firemen's pension and relief fund on death of last retiree or beneficiary.

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. 638 - "A Bill to amend and reenact §60-7-2, §60-7-6, §60-7-8a, and §60-7-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8-27 of said

code, all relating to creating new private club licenses and requirements for a private multivendor fair and festival license, private night club license, private tennis club license, and a private wedding venue license; setting private club license requirements; setting private club license fees; setting private club hours of operations; and permitting certain exceptions to the accompanied minor requirements”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

Com. Sub. for S. C. R. 8 - “Requesting the Division of Highways name bridge number 40-35-8.07, NB and SB (40A155, 40A156), locally known as US 35 Hurricane Creek bridges, carrying US Rt. 35 over Hurricane Creek in Putnam County, the “U.S. Army 1LT Harold H. Frazier Memorial Bridge.”

Whereas, Harold H. Frazier was born in Fraziers Bottom, Putnam County, West Virginia, on April 19, 1923, the son of Argyll Elwood Frazier and Pearl C. Livesey. He attended Winfield High School, where he was the first student to achieve the honor of All-State Future Farmer of America. He graduated as class salutatorian in 1941. He immediately enlisted in the U.S. Army, citing growing tension around the world and his own sense of duty and patriotism as a reason for enlisting. His first duty station was in Hawaii, and he was stationed there when the Japanese attacked on December 7, 1941, making him a Pearl Harbor survivor; and

Whereas, After Pearl Harbor, Harold H. Frazier was promoted to lieutenant, and attended bombardier training school. After graduating bombardier training school, he was sent to Europe and flew many combat missions in Europe as a bombardier in a B-25 Mitchell Bomber. During his time in Europe, he was awarded the Silver Star, Distinguished Flying Cross, Purple Heart, and the Air Medal with 7 Oak Leaf Clusters; and

Whereas, After World War II, First Lieutenant Harold H. Frazier received a degree in forestry from West Virginia University and reenlisted in the U.S. Army to serve in the Korean War; and

Whereas, After the Korean War, First Lieutenant Harold H. Frazier settled in Dunbar, West Virginia, and spent the rest of his career as an industrial hygienist for Union Carbide Corporation; and

Whereas, First Lieutenant Harold H. Frazier died on April 9, 1996, in Cornelius, North Carolina, survived by his wife, Jane Frazier, and his children, Larry Frazier, Brad Frazier, Patty Frazier Gayhart, and John Frazier; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army First Lieutenant Harold H. Frazier 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 40-35-8.07, NB and SB (40A155, 40A156), locally known as US 35 Hurricane Creek bridges, carrying US Rt. 35 over Hurricane Creek in Putnam County, the “U.S. Army 1LT Harold H. Frazier Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army 1LT Harold H. Frazier Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

S. C. R. 12 - "Requesting the Division of Highways name bridge number 05-1-0.80 (05A001), locally known as Harmon Creek Bridge, carrying CR1 over Harmon Creek and Panhandle Trail in Brooke County, the 'U.S. Army PFC Gary Alcott Birkhimer Memorial Bridge'."

Whereas, Gary Alcott Birkhimer was born on October 3, 1930, in Colliers, Brooke County, to Terry and Ella Birkhimer; and

Whereas, Gary Alcott Birkhimer enlisted in the U.S. Army at the time of the Korean War; and

Whereas, Gary Alcott Birkhimer was a Private First Class as a heavy weapons infantryman in the 17th Infantry Regiment, 7th Infantry Division; and

Whereas, PFC Gary Alcott Birkhimer was killed in action on April 11, 1951, and was awarded the Purple Heart, Combat Infantry Badge, Korean Service Medal, National Defense Service Medal, Republic of Korea Presidential Citation, Republic of Korea War Service Medal, United Nations Service Medal, Distinguished Unit Citation, and the Army Good Conduct Medal; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PFC Gary Alcott Birkhimer 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 05-1-0.80 (05A001), locally known as Harmon Creek Bridge, carrying CR1 over Harmon Creek and Panhandle Trail in Brooke County, the "U.S. Army PFC Gary Alcott Birkhimer Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army PFC Gary Alcott Birkhimer Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Resolutions Introduced

Delegates Longstreth, Pethtel, Evans, Angelucci, Hardy, Bibby, Rowe, Hicks, Tomblin, Zukoff, Williams, Atkinson, Bates, Boggs, Canestraro, Caputo, Fleischauer, Fluharty, Hill, J. Kelly, Lovejoy, Miller, Pushkin, Pyles, Robinson, Skaff, Staggars, Swartzmiller, R. Thompson, Walker and Wilson offered the following resolution, which was read by its title and referred to the Committee on Veterans' Affairs and Homeland Security then Rules:

H. C. R. 86 - "Requesting that the West Virginia Legislature designates June 12th of each year as 'Women Veterans Appreciation Day' in the State of West Virginia."

Whereas, Women have proudly served their country throughout all periods of the history of the United States; and

Whereas, Women have formally been a part of the United States Armed Forces since the inception of the Army Nurse Corps in 1901, and informally served since the inception of our nation's military; and

Whereas, Since the American Revolution, women served on the battlefield alongside men, despite Army regulations stating only men can enlist, women joined the fighting disguised as young men; and

Whereas, Women constitute approximately 15 percent of our military personnel on active duty; and

Whereas, Women constitute more than 10 percent of the veteran population which is more than 2 million women; and

Whereas, West Virginia proudly appreciates the service of its women veterans who have demonstrated great skill, sacrifice, and commitment to defending the principles upon which our Nation was founded; and

Whereas, The State of West Virginia recognizes the growing presence of women in our Nation's armed forces and the State's National Guard and wishes to respect women veterans for their honorable military service by designating a day as "Women Veterans Appreciation Day" in West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia Legislature designates June 12th of each year as West Virginia Women Veterans Appreciation Day and pays tribute to our brave women veterans; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Governor.

Delegates Campbell, Hornbuckle, Pack, Hill, Miller, Staggers, Longstreth, D. Jeffries, Canestraro and Fluharty 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. 87 - "Recognizing the last day of February every year as Rare Disease Day to bring awareness to various rare diseases and the need to continue to fund research and find a treatment."

Whereas, Rare diseases are defined as any disease, disorder, illness or condition affecting fewer than 200,000 Americans; and

Whereas, 80 percent of rare diseases are genetically based; and

Whereas, Families and private foundations provide about three percent of all medical research funding in the United States of America; and

Whereas, 7,000 rare diseases exist, and less than 500 have approved treatments by the Food and Drug Administration; and

Whereas, Only five percent of all rare diseases currently have approved treatments; and

Whereas, 90 percent of health care providers must treat the majority of rare disease patients with non-Food and Drug Administration approved drugs; and

Whereas, One in every 10 Americans has a rare disease and approximately 30 million Americans have a serious, lifelong condition; and

Whereas, Of the 30 million Americans with serious, lifelong conditions and rare diseases, approximately half are found in children; and

Whereas, Many rare diseases result in premature death of infants and young children or are fatal in early adulthood; and

Whereas, If every person with a serious, lifelong condition and rare disease held hand, they would circle the globe one and a half times; therefore, be it;

Resolved by the Legislature of West Virginia:

That the last day in February of every year be recognized as Rare Disease Day to bring awareness to the necessity of conducting and funding research for treatments of rare diseases; and, be it

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

Delegates Hanna, C. Martin and P. Martin offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 88 - "Requesting the Division of Highways name bridge number: 51-26/1-0.02 (51A051), (38.48655, -80.29984) locally known as Bergoo Box Beam, carrying CR 26/1 over Leatherwood Creek in Webster County, the 'Johnnie Bryant Moore Memorial Bridge'."

Whereas, Johnnie Bryant Moore was born in Upshur County, West Virginia, on September 30, 1890. He married Hattie Samples and had six children, two of which died as infants. Hattie died of tuberculosis in 1925. Johnnie remarried and he and his wife had four children. Johnnie Bryant Moore moved to Bergoo, Webster County, in the late 1920s where he worked in logging for several years before going to the coal mines. As a miner, he had to buy his own tools to dig coal, hand pick and throw out any rock that was in the coal, load the coal and take it outside. The miners of his day had no dust apparatus, with their only equipment being their hard hat, picks, shovels and carbide lights; and

Whereas, Johnnie Bryant Moore knew the miners and their families could not continue under these conditions and he began to talk with the local miners about the UMWA. The miners were fearful for their lives if they took steps to form a union in Bergoo, but Johnnie and some of the other miners began a long, hard fight to get the union into the local mines. They literally fought, some were killed, but they succeeded in forming the first United Mine Workers of America union in Bergoo. Johnnie was a proud charter member of the UMWA 1466, District 31; and

Whereas, Johnnie Bryant Moore died on April 11, 1990, at age 99, five months shy of his 100th birthday, and his union dues were paid through December of that year; and

Whereas, It is fitting that an enduring memorial be established to commemorate Johnnie Bryant Moore 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: 51-26/1-0.02 (51A051), (38.48655, -80.29984) locally known as Bergoo Box Beam, carrying CR 26/1 over Leatherwood Creek in Webster County, the "Johnnie Bryant Moore Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Johnnie Bryant Moore 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 C. Thompson, Hartman, Estep-Burton, Staggers, Boggs, Sponaugle, Barrett, Caputo, Miley, Fleischauer 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. 89 - "Requesting the Division of Highways name bridge number 49-29-00.83 (42A055), locally known as New Whitmer Bridge, carrying CR 29 over Gandy Creek in Randolph County, the 'U. S. Army SGT James Shellace Armentrout Memorial Bridge'."

Whereas, U.S. Army Sergeant James Shellace Armentrout was born on August 24, 1930, in Randolph County to Odith Sherman Armentrout and Ethel Armentrout. He attended the Randolph County schools and his mother aspired him to become a cook; and

Whereas, Sergeant Armentrout enlisted in the United States Army prior to the Korean War Conflict. He was a member of Company K, 3rd Battalion, 23rd Infantry Regiment, 2nd Infantry Division. In a letter dated March 22, 1949, his mother begged him not to go to Korea. Per her request, Sergeant Armentrout put in for a delay in reporting for active duty. The request was denied on September 21, 1950; and

Whereas, On June 6, 1951, Sergeant Armentrout's parents received a Western Union Telegram notifying them their son was reported as missing in action on May 18, 1951. His mother's greatest fear had come true. She had already lost one son, Private Forrest William Armentrout in Belgium on January 4, 1945, and now perhaps another; and

Whereas, In a July 27, 1951, letter Mrs. Armentrout was given more complete information indicating that her son had been slightly wounded in the right hip and on May 18 was hand carried on a stretcher over the hills to the battalion aid station where he was given treatment. However, the aid station was attacked and before he could be evacuated, the station was overrun by the Chinese, and nothing more was heard or seen of her son. Later, after the area was retaken, a search for bodies was conducted but Sergeant Armentrout's body was not among those recovered; and

Whereas, A letter dated July 11, 1953, stated no additional information was available but that then-Corporal Armentrout had been promoted to sergeant. Another letter followed dated December 31, 1953, stating that Sergeant Armentrout was presumed dead as of that date. In yet another letter dated January 4, 1954, Sergeant Armentrout's mother was notified that her son had been awarded the Purple Heart. Sergeant Armentrout also received a Combat Infantryman's Badge, National Defense Service Medal, Korean Service Medal, United Nations Service Medal for Korea, Korean War Service Medal, Korean Presidential Unit Citation, and the Republic of Korea War Service Medal; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army Sergeant James Shellace Armentrout for his service to his state and country, having made the ultimate sacrifice; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge 49-29-00.83 (42A055), locally known as New Whitmer Bridge, carrying CR 29 over Gandy Creek in Randolph County, the "U. S. Army SGT James Shellace Armentrout Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army SGT James Shellace Armentrout 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 Cadle, Westfall, Graves, Foster, Worrell, Phillips, Hott, J. Jeffries, J. Kelly, Atkinson and Mandt offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 90 - "Requesting the Division of Highways name bridge number NHPP-0035(202) (11350), carrying U.S. Route 35 over County Route 29 and Little Sixteen Mile Creek in Mason County, the 'Wood Brothers Memorial Bridge'."

Whereas, William Lee Wood, a native of Indiana, enlisted in the U.S. Army during World War I and was assigned to a duty station guarding critical railroad structures along the Ohio River in Mason County, West Virginia, and there met Olive Velma Medors from Point Pleasant. At the time of his discharge in January 1919, William was noted for his "honest and faithful service" to the Army. William Lee Wood married Olive Medors and the two of them established a household and farmstead at Point Pleasant, where they had eleven children, ten sons and one daughter, and in addition raised a grandson, Jimmie Lee Wood, from birth as one of their own. William and Olive were hard-working parents and William encouraged all of his sons to serve their country in the armed forces as he had; and

Whereas, Charles Clifford Wood was born to William Lee and Olive Wood on October 24, 1919, and married Betty Schauer in 1939. They lived in Mason County for a few years where Charles was a fireman for the town of Point Pleasant. He enlisted in the U.S. Army on March 30, 1944 and served in World War II. After his discharge, he and his wife lived in Missouri and had two children, Judy and Terry. He eventually went to work for the E R Plumbing Company and became a labor foreman for nearly 50 men and he also was a member of the Civil Defense Auxiliary Police in Kirkwood, Missouri; and

Whereas, Lewis Lee "Tudy" Wood was born to William Lee and Olive Wood on March 11, 1921, and, in his youth, was trained as a boxer and competed in both West Virginia and Ohio. He joined the United States Navy on January 15, 1940, in which he served for six years, seeing action in both the European and Pacific Theaters during World War II. His service also included duty aboard the Presidential Yacht. After serving his country he worked in construction as a boilermaker and occasionally worked as a painter with a couple of his brothers; and

Whereas, Elmer "Emo" Wood was born to William Lee and Olive Wood on October 21, 1922, and at the age of 20, enlisted in the United States Army, becoming a Technician in the 563rd Ordnance Heavy Maintenance Company where he was known as the "West Virginia Kid" and served in the European Theater during World War II. He married Genevieve L. Holley and they had five children, Diana, Stephen, John, Chuck, and Melody. After his discharge from the Army, Emo Wood worked in equipment maintenance for the Foote Mineral Corporation of New Haven, West Virginia. He was a member of the American Legion Post 140 of New Haven and was an avid Little League Coach for

the New Haven Yankees. As a coach he was known for two traits: he instilled a sense of fairness in his players, making sure that everyone got a chance to play during a game, and frequently took the team for his treat of ice cream at Roush's Drive-in; and

Whereas, Raymond Leonard Wood was born to William Lee and Olive Wood on February 8, 1924, and he entered the United States Army on April 5, 1941, serving as a Rifleman in the 10th Armored Infantry Battalion, 4th Armored Division, and saw action in the European, African, and Middle Eastern Theaters during World War II. After his discharge in 1946, he returned to the Mid-Ohio River Valley where he worked in construction as an iron worker and also maintained a farm in Gallia County, Ohio, raising cattle. He married Clara Boardman and together they raised her daughter, Athens Kingery. After his farming days, he returned to Point Pleasant where he worked for the American Legion Post 23; and

Whereas, Donald Melvin "Don" Wood was born to William Lee and Olive Wood on May 14, 1926, and, in his youth, enjoyed roller skating dance competitions, frequently participating with his sister, Sybil, and he once skated in an event at Madison Square Garden. He enlisted in the United States Navy on April 3, 1943, and was assigned to the Navy Armed Guard, which consisted of specialty units stationed on merchant ships to provide defensive firepower protecting the merchant ships in transit and this was considered one of the most hazardous assignments during World War II. He met and married Luella E. McMillin prior to his discharge from the Navy and, following his service, they raised two sons, Russell Lee and Donald Eugene. Don Wood worked in construction as a painter and was the business agent for the painters' union at Point Pleasant, West Virginia. He eventually became a superintendent and office manager for C. H. Heist Corporation, for which he traveled through many states and the territories of Puerto Rico and the Virgin Islands. He was also a member of the Broad Run Rod and Gun Club and of American Legion Post 140 in New Haven, West Virginia; and

Whereas, Robert Lightburn "Bobby" Wood was born to William Lee and Olive Wood on July 21, 1928 and learned to be an arc welder. He enlisted in the United States Army on December 30, 1948, and, with the commencement of armed conflict in Korea, was dispatched with the 82nd Antiaircraft Artillery Automatic Weapons Battalion, 2nd Infantry Division. In February 1951, his artillery battery was attacked by numerically superior forces and was ordered to withdraw. His column came under heavy fire and, as they were moving out, he spotted a wounded member of his unit in a small ravine beside the road. In the face of heavy gunfire, he leapt from his armored vehicle to retrieve the wounded soldier. For several acts of gallantry in this conflict he was awarded the Bronze Star and, after Senator Robert C. Byrd petitioned on his behalf, the Silver Star. He married Patricia Marie Haden and they had two children, Connie and David. After service in the Army, he worked as an iron worker and was a member of the United Steelworkers of America. He also was a member of the Bellemead United Methodist Church in Point Pleasant, the Minturn Lodge No. 19, AF & AM, and American Legion Post 23 in Point Pleasant; and

Whereas, F. Paul Wood was born to William Lee and Olive Wood on November 21, 1929, and entered the United States Marine Corps on September 27, 1950, and was assigned to the Second Engineer Battalion, Second Marine Division, where he was cited for his "honest and faithful service". After his discharge from active duty in 1952, he joined the U.S.M.C. Reserves, eventually retiring from the 4th Combat Engineer Battalion in Cross Lanes, West Virginia. He married Rebecca Buckner and the two of them were blessed with a son, William "Chip" Wood. After leaving the service, Paul Wood became an industrious entrepreneur, eventually becoming the owner of the Point Service Store, the New Haven Theater, and the manager of the Mason Drive-in and State Theatre where he spearheaded the theater's restoration. He was also known for his civic involvement, with membership in the Minturn Lodge No. 19, AF & AM, the Mason County Solid Waste Authority, and the Fort Randolph Committee. He was a member of and helped build the Point Pleasant River Museum, he

was a former Fire Chief for the Point Pleasant Fire Department, and he was named as Volunteer of the Year for the Main Street Point Pleasant Organization; and

Whereas, William Milton "Bill" Wood was born to William Lee and Olive Wood on January 2, 1938, and began a long military career while he was still in high school in Point Pleasant, joining the West Virginia Army National Guard. He was later called up for active duty and stationed in Kitzingen, Germany and he also later served on active duty at Fort Polk, Louisiana during the Cuban Missile Crisis period. He began his military service as an Engineer Supply Specialist and soon distinguished himself for exceptional achievement as a logistics and supply specialist with a thorough knowledge of the Army Maintenance Management System. Throughout his service he repeatedly received recognition for his knowledge, judgment, and devotion to duty. He married Barbara Lieving in May 1961 and they were blessed with three children, Shawn, Chris, and Amy. Bill Wood retired on January 2, 1998 after 43 years of service to the Army; and

Whereas, It is fitting that an enduring memorial be established to commemorate the tradition of service of the men of this family and their contributions to their community, to our state, and our country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number NHPP-0035(202) (11350), carrying U.S. Route 35 over County Route 29 and Little Sixteen Mile Creek in Mason County, the "Wood Brothers Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to erect signs identifying the bridge as the "Wood Brothers Memorial Bridge"; and, be it

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

And,

Delegates Hott, Howell, Rowan, Mandt, D. Kelly, Worrell, Phillips, Cadle, Toney, J. Jeffries and Fast offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 91 - "Requesting the Division of Highways to name a portion of Patterson Creek Road on County Route 11, from the intersection of U. S. 50 to Shirley Lane at County Route 50/4, Burlington, in Mineral County, the 'Caldwell Brothers Memorial Road'."

Whereas, The six Caldwell brothers of Burlington, Mineral County, West Virginia have all served their country in the various branches of the military from Japan during WW II, the Korean War, the "Cold War", and in Vietnam; and

Whereas, PFC James A Caldwell served in the Army during WW II in Japan. Engineman Third Class Richard C. Caldwell served in the Navy during the Korean War. PFC E-3 William R. Caldwell served in the Army during the Vietnam War. AME2 Douglas L Caldwell served three tours in the Navy during the Vietnam War. SGT. (T) Thomas N. Caldwell served in the Army during the Vietnam War; and

Whereas, Naming this road is an appropriate recognition of the Caldwell brothers' contributions to their country, state, and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of Patterson Creek Road on County Route 11, from the intersection of U. S. 50 to Shirley Lane at County Route 50/4, Burlington, in Mineral County, the "Caldwell Brothers 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 "Caldwell Brothers Memorial Road"; 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.

Special Calendar

Third Reading

S. B. 300, Updating certain terms in WV Corporation Net Income Tax Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 185**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Azinger, Canestraro, Ellington, Kessinger, Kump, Linville and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 300) passed.

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

On this question, the yeas and nays were taken (**Roll No. 186**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Azinger, Canestraro, Ellington, Kessinger, Kump, Linville and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 300) takes effect from its passage.

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

S. B. 310, Updating certain terms used in WV Personal Income Tax Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 187**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Azinger, Canestraro, Ellington, Kessinger, Kump, Linville and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 310) passed.

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

On this question, the yeas and nays were taken (**Roll No. 188**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

Absent and Not Voting: Azinger, Canestraro, Ellington, Kessinger, Kump, Linville and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 310) 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. 4155, Relating generally to the regulation of plumbers; on third reading, coming up in regular order, was reported by the Clerk.

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

Com. Sub. for H. B. 4198, Permitting a person to obtain a 12-month supply of contraceptive drugs; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 189**), and there were—yeas 88, nays 5, absent and not voting 7, with the nays and absent and not voting being as follows:

Nays: Bartlett, Fast, Jennings, P. Martin and Porterfield.

Absent and Not Voting: Azinger, Canestraro, Ellington, Kessinger, Kump, Linville and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4198) 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. 4217, Authorizing the Department of Environmental Protection to promulgate legislative rules; on third reading, coming up in regular order, was read a third time.

Delegate Espinosa requested to be excused from voting on Com. Sub. for H. B. 4217 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.

During remarks by Delegate Steele, the Speaker reminded all members to not impugn the motives of any member speaking in debate.

* * * * *

Speaker Pro Tempore Cowles in the Chair

* * * * *

On motion of Delegate Summers, the bill (Com. Sub. for H. B. 4217) was placed at the foot of all bills on the calendar.

H. B. 4406, Relating to the reproduction of checks and other records; 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. 190**), and there were—yeas 91, nays none, absent and not voting 9, with the absent and not voting being as follows:

Absent and Not Voting: Speaker Hanshaw, Azinger, S. Brown, Canestraro, Ellington, Kessinger, Kump, Linville and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4406) 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. 4513, Increasing the replacement costs required of a person causing injury or death of game or protected species; 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. 191**), and there were—yeas 86, nays 6, absent and not voting 8, with the nays and absent and not voting being as follows:

Nays: Bibby, Fast, J. Jeffries, McGeehan, R. Thompson and Wilson.

Absent and Not Voting: Azinger, Canestraro, Ellington, Kessinger, Kump, Linville, Sponaugle and Hanshaw (Mr. Speaker).

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4513) passed.

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

Second Reading

Com. Sub. for S. B. 534, Removing workers' compensation exclusion for temporary legislative employees; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for S. B. 544, Authorizing pharmacists and pharmacy interns administer vaccines; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on Health and Human Resources, was reported by the Clerk, and adopted, on page five, line one hundred three, by striking out the word "vaccine" and inserting the word "immunization".

The bill was then ordered to third reading.

S. B. 642, Correcting incorrect code citation in WV Consumer Credit and Protection Act; on second reading, coming up in regular order, was read a second time and ordered to third reading.

Com. Sub. for H. B. 2961, Permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Fast, the bill was amended on page one, section nine, lines seven through eight, by striking out " : *Provided*, That the customer shall have the freedom to choose any brand that meets the specifications".

On page two, line forty after the word "commissioner", by inserting "or his or her designee".

On page three, line forty-one, after the word "her", by striking out the word "agent" and inserting in lieu thereof the word "designee".

On page three, line forty-six, after the word "code", by changing the period to a colon and inserting the words "*And provided further*, That the customer shall have the freedom to choose the brand of any required backflow prevention assembly that otherwise meets the required specifications of the commissioner or his or her designee."

The bill was then ordered to engrossment and ordered to third reading.

Com. Sub. for H. B. 4067, Relating to crimes against property; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4101, Relating to requiring a court to verify certain conditions are met before a child who has been removed from a home; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4123, Clarifying that 911 telecommunication workers are included in the definition of those individuals who perform "emergency services" during a disaster; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4387, Donated Drug Repository Program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4546, Relating to tuberculosis testing for school superintendents; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4581, Relating to West Virginia Clearance for Access: Registry and Employment Screening; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4620, Redefining definition of “recovery residence”; on second reading, coming up in regular order, was reported by the Clerk.

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

Com. Sub. for H. B. 4666, Relating to competitive bids for intergovernmental relations and urban mass transportation; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4670, Relating to the juvenile restorative justice programs; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Graves, the bill was amended on page three, line fifty-seven, after the word, “juvenile”, by inserting the words “has not previously successfully completed a restorative justice program and”.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4690, Relating to solid waste facilities; on second 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. 4955, Relating to reducing the cost of fees for state licenses to carry concealed deadly weapons and provisional state licenses to carry concealed deadly weapons; on second reading, coming up in regular order, was read a second time.

An amendment offered by Delegate Longstreth, was reported by the Clerk, on page one, section four, line three, by striking out the number “\$25” and inserting in lieu thereof the number “\$50”.

On page three, section four, line sixty-five, by striking out the words “Twenty-five dollars of the” and inserting in lieu thereof the word “The”.

On page eight, section four-a, line four, by striking out the number “\$15” and inserting in lieu thereof the number \$20”.

And,

On page ten, section four-a, line sixty-four, by striking out the words “Twenty dollars of the” and inserting in lieu thereof the word “The”.

Delegate C. Martin moved the previous question, which demand was sustained.

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

The yeas and nays having been ordered, they were taken (**Roll No. 192**), and there were—yeas 35, nays 56, absent and not voting 9, with the yeas and absent and not voting being as follows:

Yeas: Barnhart, Bartlett, Bibby, Butler, Cadle, Cooper, Criss, Dean, Fast, Foster, Hanna, Higginbotham, Hott, Howell, D. Jeffries, J. Jeffries, Jennings, D. Kelly, J. Kelly, Little, Mandt, C.R.

Martin, P. Martin, Maynard, McGeehan, Pack, Paynter, Phillips, Porterfield, Rohrbach, Rowan, Steele, Toney, Waxman and Wilson.

Absent and Not Voting: Azinger, Canestraro, Ellington, Kessinger, Kump, Linville, Sponaugle, Staggers and Hanshaw (Mr. Speaker).

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

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

The yeas and nays having been ordered, they were taken (**Roll No. 193**), and there were—yeas 11, nays 80, absent and not voting 9, with the yeas and absent and not voting being as follows:

Yeas: Byrd, Doyle, Fleischauer, Hansen, Longstreth, Miller, Pushkin, Pyles, Walker, Williams and Zukoff.

Absent and Not Voting: Azinger, Canestraro, Ellington, Kessinger, Kump, Linville, Sponaugle, Staggers and Hanshaw, (Mr. Speaker).

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

The bill was then ordered to engrossment and third reading.

First Reading

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

S. B. 620, Authorizing Division of Corrections and Rehabilitation approve home plans for inmates,

Com. Sub. for H. B. 2775, Requiring each high school student to complete a full credit course of study in personal finance,

Com. Sub. for H. B. 4092, Relating to foster care,

Com. Sub. for H. B. 4165, West Virginia Remembers Program,

H. B. 4519, Establishing a summer youth intern pilot program within Department of Commerce,

Com. Sub. for H. B. 4621, West Virginia FinTech Regulatory Sandbox Act,

Com. Sub. for H. B. 4633, Expanding county commissions' ability to dispose of county or district property,

And,

Com. Sub. for H. B. 4729, Requiring higher education institutions to use previous versions or editions of instructional materials.

The House of Delegates then resumed consideration of **Com. Sub. for H. B. 4217**, Authorizing the Department of Environmental Protection to promulgate legislative rules; which had been read a third time and placed at the foot of all bills in earlier proceedings.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 194**), and there were—yeas 52, nays 39, absent and not voting 9, with the nays and absent and not voting being as follows:

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

Absent and Not Voting: Azinger, Canestraro, Ellington, Kessinger, Kump, Linville, Sponaugle, Staggers and Hanshaw, (Mr. Speaker).

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4217) passed.

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

On this question, the yeas and nays were taken (**Roll No. 195**), and there were—yeas 56, nays 35, absent and not voting 9, with the nays and absent and not voting being as follows:

Nays: Angelucci, Barrett, Bates, S. Brown, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Foster, Hansen, Hartman, Hicks, Hornbuckle, Lavender-Bowe, Longstreth, Lovejoy, McGeehan, Miley, Miller, Paynter, Pethtel, Pushkin, Pyles, Robinson, Rodighiero, Rowe, Skaff, Swartzmiller, Tomblin, Walker, Williams and Zukoff.

Absent and Not Voting: Azinger, Canestraro, Ellington, Kessinger, Kump, Linville, Sponaugle, Staggers and Hanshaw, (Mr. Speaker).

So, two thirds of the members elected to the House of Delegates not having voted in the affirmative, the motion was rejected.

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

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Azinger, Canestraro, Ellington, Kessinger, Kump, Linville and Sponaugle.

Miscellaneous Business

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

- Delegate Walker during Remarks by Members

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

- Delegate Lovejoy for H. B. 4773
- Delegate Bibby and Cooper for H. B. 4843
- Delegate Miller for H. B. 4797
- Delegate Fast for H. B. 4396
- Delegate Bartlett for H. B. 4589
- Delegate Mandt for H. B. 4662
- Delegate C. Thompson for H. B. 4508, H. B. 4534, H. B. 4759
- Delegate D. Kelly for H. B. 4589
- Delegate Pyles for H. B. 4786, H. B. 4806, H. B. 4815, H. B. 4824, H. B. 4827, H. B. 4828, H. B. 4829, H. B. 4838, H. B. 4845, H. B. 4846, H. B. 4847, H. B. 4848, H. B. 4855, H. B. 4871, H. B. 4873, H. B. 4881, H. B. 4894, H. B. 4895, H. B. 4900, H. B. 4901, H. B. 4906, H. B. 4917, H. B. 4921, H. B. 4931, H. B. 4935, H. B. 4941, H. B. 4948 and H. B. 4950

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

- Delegate Bibby for H. B. 4662
- Delegate C. Martin, P. Martin, Dean and Philips for H. C. R. 9

At 2:05 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 17, 2020.

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

SPECIAL CALENDAR

Monday, February 17, 2020

41st Day

11:00 A. M.

THIRD READING

- Com. Sub. for S. B. 534 - Removing workers' compensation exclusion for temporary legislative employees (HOWELL) (REGULAR)
- Com. Sub. for S. B. 544 - Authorizing pharmacists and pharmacy interns administer vaccines (HILL) (REGULAR)
- S. B. 642 - Correcting incorrect code citation in WV Consumer Credit and Protection Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2961 - Permitting the commissioner to require a water supply system be equipped with a backflow prevention assembly (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4067 - Relating to crimes against property (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4101 - Relating to requiring a court to verify certain conditions are met before a child who has been removed from a home (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4123 - Clarifying that 911 telecommunication workers are included in the definition of those individuals who perform "emergency services" during a disaster (HILL) (REGULAR)
- Com. Sub. for H. B. 4155 - Relating generally to the regulation of plumbers (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4387 - Donated Drug Repository Program (HILL) (REGULAR)
- Com. Sub. for H. B. 4546 - Relating to tuberculosis testing for school superintendents (HILL) (REGULAR)
- Com. Sub. for H. B. 4581 - Relating to West Virginia Clearance for Access: Registry and Employment Screening (HILL) (REGULAR)
- Com. Sub. for H. B. 4666 - Relating to competitive bids for intergovernmental relations and urban mass transportation (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4670 - Relating to the juvenile restorative justice programs (SHOTT) (REGULAR)
- H. B. 4955 - Relating to reducing the cost of fees for state licenses to carry concealed deadly weapons and provisional state licenses to carry concealed deadly weapons (HOUSEHOLDER) (REGULAR)

SECOND READING

- S. B. 620 - Authorizing Division of Corrections and Rehabilitation approve home plans for inmates (JUDICIARY COMMITTEE AMENDMENT PENDING) (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2775 - Requiring each high school student to complete a full credit course of study in personal finance (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 4092 - Relating to foster care (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4165 - West Virginia Remembers Program (ELLINGTON) (REGULAR)
- H. B. 4519 - Establishing a summer youth intern pilot program within Department of Commerce (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 4620 - Redefining definition of "recovery residence" (HILL) (REGULAR)
- Com. Sub. for H. B. 4621 - West Virginia FinTech Regulatory Sandbox Act (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4633 - Expanding county commissions' ability to dispose of county or district property (STORCH) (REGULAR)
- Com. Sub. for H. B. 4690 - Relating to solid waste facilities (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4729 - Requiring higher education institutions to use previous versions or editions of instructional materials (ELLINGTON) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2028 - Limiting supervision of laying of lines on state rights-of-way (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2663 - Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4099 - Eliminating the permit for shampoo assistants (HOWELL) (REGULAR)
- H. B. 4450 - Relating to instruction permits issued by the Division of Motor Vehicles (BUTLER) (REGULAR)
- H. B. 4499 - Relating to multicounty trail network authorities (BUTLER) (REGULAR)
- H. B. 4504 - Relating to renewal application requirements for individuals with permanent disabilities (BUTLER) (REGULAR)
- Com. Sub. for H. B. 4537 - Establishing a study conducted by the Division of Natural Resources on the Upper Mud River Lake (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4543 - Relating to insurance coverage for diabetics (SHOTT) (REGULAR)

- H. B. 4714 - Increasing the monetary threshold for requiring nonprofit organizations to register as a charitable organization (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4734 - Rewriting the article on registered professional nurses (HILL) (REGULAR)
- Com. Sub. for H. B. 4773 - Creating a workgroup to investigate and recommend screening protocols for adverse childhood trauma in this state (HILL) (REGULAR)

HOUSE CALENDAR

Monday, February 17, 2020

41st 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. 4001 - Creating West Virginia Impact Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE) (AMENDMENT PENDING BY DELEGATES HOUSEHOLDER AND BATES) [RIGHT TO AMEND]

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

S. B. 170 - Alleviating double taxation on foreign income at state level (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)

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

Com. Sub. for H. B. 4059 - Increasing access to long acting reversible contraception (HILL) (REGULAR)

H. B. 4455 - Permitting fees from the Central Abuse Registry to be used for costs relating to information technology support and infrastructure (HOUSEHOLDER) (REGULAR)

H. B. 4524 - Making the entire state “wet” or permitting the sale of alcoholic liquors for off-premises consumption (SHOTT) (REGULAR)

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

MONDAY, FEBRUARY 17, 2020

HOUSE CONVENES AT 11:00 A.M.

AGRICULTURE AND NATURAL RESOURCES

8:30 A.M. – ROOM 215 E

COMMITTEE ON EDUCATION

9:30 A.M. – ROOM 434 M

COMMITTEE ON THE JUDICIARY

9:30 A.M. – ROOM 410 M

COMMITTEE ON RULES

10:45 A.M. – BEHIND CHAMBER

COMMITTEE ON GOVERNMENT ORGANIZATION

4:00 P.M. – ROOM 215 E

WEDNESDAY, FEBRUARY 19, 2020

PUBLIC HEARING

COMMITTEE ON THE JUDICIARY

8:30 A.M. – HOUSE CHAMBER

**S. C. R. 4, URGING CONGRESS CALL CONVENTION TO PROPOSE
AMENDMENT ON CONGRESSIONAL TERM LIMITS.**

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