

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Fourth Legislature
First Regular Session

Held at Charleston
Published by the Clerk of the House



January 21, 2019
THIRTEENTH DAY

Monday, January 21, 2019

THIRTEENTH DAY

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

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

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

The Clerk proceeded to read the Journal of Friday, January 18, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

On motion for leave, a resolution was introduced (Originating in the Committee on Government Organization 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 Delegates Pack, Howell, Angelucci, Azinger, Bibby, Cadle, Hansen, Hott, D. Jeffries, J. Jeffries, C. Martin, Paynter, Phillips, Porterfield, Pyles, Staggers, Sypolt, Tomblin, Walker and Worrell:

H. C. R. 15 - "Requesting the Joint Committee on Government and Finance study the impact of business regulations and economic development incentives to recruit and retain small business in West Virginia."

Whereas, The Legislature is committed to ensuring business regulations are fair and not overly burdensome; and

Whereas, The Legislature is committed to providing reasonable incentives to startup and existing small businesses; and

Whereas, Small businesses play a vital role in the economy in West Virginia, including in underserved communities where there are few options for employment and limited access to various services; and

Whereas, It is important to periodically study the impact of business regulations between large businesses and small businesses by examining regulatory burdens, economic incentives, insurance, and other requirements to ensure appropriate regulations protect the public while providing businesses the incentives and freedoms necessary to succeed and locate in West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Joint Committee on Government and Finance study the impact of business regulations and economic development incentives to recruit and retain small businesses in West Virginia; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Regular Session of the Legislature 2020, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate any recommendations; and, be it

Further Resolved, That the Department of Commerce, the Development Office, the Tax Department, and the State Auditor shall cooperate with the Legislature to obtain the necessary research for this study; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and 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. 2346, Changing the licensing requirement for certain casino employees,

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

Com. Sub. for H. B. 2346 - "A Bill to amend and reenact §29-22C-2, §29-22C-3, §29-22C-4, §29-22C-6, §29-22C-13, §29-22C-14, §29-22C-15, §29-22C-16, §29-22C-17, §29-22C-18, §29-22C-19, §29-22C-29, and §29-22C-31 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-25-2, §29-25-3, §29-25-8, §29-25-12, §29-25-13, §29-25-14, §29-25-15, §29-25-16, §29-25-17, §29-25-18, §29-25-22, §29-25-25, and §29-25-27, all relating to changing the licensing requirement for certain casino employees from a licensure to a registration; and granting emergency rule making authority,"

And,

H. B. 2360, Placing the Athletic Commission under the Lottery Commission,

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

Com. Sub. for H. B. 2360 - "A Bill to amend and reenact §29-5A-1a of the Code of West Virginia, 1931, as amended, relating to placing the Athletic Commission under the Lottery Commission, and continuing the terms of the current commissioners,"

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Education has had under consideration:

H. B. 2415, Requiring the State Board of Education to adopt a policy detailing the appropriate level of computer science instruction,

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. 2415) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

H. B. 2422, Relating to the time for the observation of “Celebrate Freedom Week”,

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

Com. Sub. for H. B. 2422 - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to providing for the county board to select the week for the observation of ‘Celebrate Freedom Week’ and adding the Emancipation Proclamation as a document to be studied,”

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. 2412, Relating to criminal acts concerning government procurement of commodities and services,

H. B. 2459, Exercising authority to exempt individuals domiciled within the state from certain restrictions contained in federal law,

And,

H. B. 2462, Issuing a certificate to correctional employees to carry firearms,

And reports the same back with the recommendation that they each 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. 2005, Broadband Expansion Act of 2019,

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

Com. Sub. for H. B. 2005 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-6L-1, §11-6L-2, §11-6L-3, §11-6L-4, and §11-6L-5, to amend said code by adding thereto two new sections, designated §31G-4-4 and §31G-4-5, and to amend said code by adding thereto a new chapter, designated §31H-1-1, §31H-1-2, §31H-2-1, §31H-2-2, §31H-2-3, and §31H-2-4, all relating to wireless telecommunication technology facilities generally; providing a special method for valuation of certain wireless technology property for property taxes; defining terms; providing mandated salvage valuation of certain wireless businesses’ property; specifying method for valuation of certain property; requiring initial determination and specifying

procedure for protest and appeal of determination; establishing Public Service Commission jurisdiction over make-ready pole access within the state; relating to the determination of the feasibility of electric utilities constructing and operating middle-mile broadband internet projects to serve certain unserved and underserved areas; defining certain terms; delineating the factors that must be contained in certain feasibility studies; requiring the Broadband Enhancement Council and the Public Service Commission to assist electric utilities in the determination of the feasibility of certain proposed middle-mile broadband development projects; requiring that the Broadband Enhancement Council render a judgment as to the feasibility of middle-mile broadband internet projects within a certain period of time; and requiring certain reports be submitted to certain officials and committees; the establishment of the West Virginia Small Wireless Facilities Deployment Act; making legislative findings; defining terms; providing for access to public rights-of-way for the collocation of small wireless facilities; providing for certain permit requirements; authorizing and limiting access to collocation sites, structures and equipment; requiring permits to be issued on a nondiscriminatory basis; providing for the collection of fees and setting the amount of fees; and providing for certain zoning, indemnification, insurance, and bonding requirements,”

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

S. B. 272 - “A Bill to amend and reenact §4-5-1, §4-5-2, §4-5-3, §4-5-4, and §4-5-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §4-5-7 and §4-5-8, all relating to the Commission on Special Investigations; continuing the commission; clarifying composition and chairmanship of the commission and terms of members; redefining what constitutes a quorum for voting procedures of the commission; specifying contents of the commission’s annual report; authorizing the employment of staff and the creation of certain staff positions; granting power to conduct interviews and request production from agencies of the state and its political subdivisions of books, records, documents, papers, and tangible things; authorizing the issuance of written requests for production in lieu of subpoenas; authorizing the director to issue subpoenas on the commission’s behalf; authorizing the commission to require an agency head to appear before the commission to answer for an agency’s failure to appear or produce requested or subpoenaed material or other failure to comply with a commission investigation; providing for the confidentiality of investigations; providing for executive session and confidentiality rights of witnesses; updating exemption of investigative materials from public disclosure; removing requirement for pre-approval of expenses of the commission by the Joint Committee on Government and Finance; providing procedures for the commission’s retention and disposal of records; establishing new offenses of impersonating a commission member or staff member and of threatening or otherwise obstructing a commission member or staff; establishing criminal penalties; allowing the commission to award duty weapons to certain members on retirement; exempting the commission from the jurisdiction of the agency for surplus property within the Purchasing Division of the Department of Administration with respect to the disposal of the commission’s primary and secondary duty weapons; authorizing sale of surplus weapons to active and retired members of the commission’s investigative staff; and updating language and terms for clarity throughout”; 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:

S. C. R. 11 - "Urging Congress to pass fully funded, long-term surface transportation and infrastructure funding measures that address our nation's critical infrastructure needs."

Whereas, West Virginia faces unique challenges maintaining its infrastructure, including bridges and roads, due in part to its topography, location, industries, and population; and

Whereas, A recent infrastructure report card from the American Society of Civil Engineers noted that 17.3 percent of West Virginia's 1,247 bridges are structurally deficient and 19 percent of West Virginia's 38,770 miles of public roads are in poor condition; and

Whereas, West Virginia depends on good roads and infrastructure for tourism and economic development; and

Whereas, All states depend on Congress for their infrastructure needs; and

Whereas, It is up to Congress to pass fully funded, long-term funding measures to improve our nation's roads and address our country's infrastructure needs, including those in West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That Congress is urged to pass fully funded, long-term surface transportation and infrastructure funding measures that address our nation's critical infrastructure needs; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, and to the members of West Virginia's congressional delegation.

Resolutions Introduced

Delegates Howell, Cadle, Hanna, Hill, Hott, Linville, Pack, Phillips, Staggers, Steele, Wilson and Worrell offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 16 - "Requesting the Division of Highways 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 have made and be placed signs identifying the road as the "Caldwell Brothers 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 and Rowe offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 17 - "Requesting the Division of Highways name bridge number 20-73/5-0.55, locally known as Point Lick Bridge, carrying Route 73/5 over Campbells Creek in Kanawha County, the 'U. S. Marine Corps CPL Larry Scott Kennedy Memorial Bridge'."

Whereas, Larry Scott Kennedy was born in Charleston, West Virginia, May 15, 1947, and died March 6, 1968, in Khe Sanh, Vietnam. He was the first child and only son born to Clyde J. Kennedy and Janet Trigg Kennedy; and

Whereas, Larry Scott Kennedy helped his relatives build a home for his family at Point Lick on Campbells Creek. He treasured nature and enjoyed fishing, trapping, and hunting with his parents and his dogs. Larry attended New Lexington High School in New Lexington, Ohio, was Senior Class President at New Lexington High School and was deeply admired by his peers. He was on the football team at New Lexington High School and helped carry his team to victory at the Muskingham Valley Championship; and

Whereas, Larry Scott Kennedy attended West Virginia University for one year and aspired to finish college to become a forester after he returned home from service; and

Whereas, Larry Scott Kennedy joined the Marine Corps and departed for Parris Island in July 1967 and was sent to AIT Camp Lejeune in North Carolina thereafter where he served as a Forward Observer for the Artillery; and

Whereas, Larry Scott Kennedy was sent to Camp Pendleton in California, and from there he was sent to Khe Sanh, Vietnam along with 6,000 fellow Marines. He fell ill for three weeks in Vietnam and he valiantly persevered through his illness. He worked alongside the Bru Montagnards, finding brotherhood through a love of the mountains and fighting for peace; and

Whereas, Larry Scott Kennedy was wounded on the hand by shrapnel that killed a Marine nearby. He was subsequently injured with a damaging concussion and internal bleeding after being launched 30 feet into the air. He received two Purple Hearts during his service; and

Whereas, During Larry Scott Kennedy's recovery at a hospital in Da Nang, his best friend George L. Elliott III diligently remained by his side. They decided to return to Khe Sanh together because they knew every capable man was needed. The plane that carried Larry Scott Kennedy and George L. Elliott III back to Khe Sanh was shot down by enemy forces and everyone aboard was pronounced dead or missing in action; and

Whereas, Larry Scott Kennedy now rests at the Jefferson Barracks National Cemetery; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Marine Corps CPL Larry Scott Kennedy's 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 20-73/5-0.55, locally known as Point Lick Bridge, carrying Route 73/5 over Campbells Creek in Kanawha county, the "U. S. Marine Corps CPL Larry Scott Kennedy 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. Marine Corps CPL Larry Scott Kennedy Memorial Bridge"; 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 Miley, Queen, Waxman and Hamrick offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 18 - "Requesting the Division of Highways name bridge number 17-50-14.25 (17A195), locally known as Adamston Bridge, carrying U. S. 50 over the West Fork River in Harrison County, the 'Gill Brothers World War II Veterans' Memorial Bridge'."

Whereas, Brothers William A. Gill Jr., James E. Gill, Jack S. Gill, and Foster Ray Gill honorably served their nation and state during World War II; and

Whereas, Sergeant William A. Gill Jr., born on the 16th of November, 1916, in Clarksburg, West Virginia, enlisted in the United States Army on the 8th of July, 1942, and served in the European and North African theaters of war; he received the Good Conduct Medal, the American Theater Ribbon, the European-African-Middle Eastern Ribbon, and the World War II Victory Ribbon and was honorably discharged on the 28th of February, 1946; and

Whereas, Sergeant James E. Gill was born on the 7th of July, 1918, in Clarksburg, West Virginia, enlisted in the West Virginia National Guard on the 1st of April, 1944; he was honorably discharged on the 21st of September, 1945; and

Whereas, Private Jack S. Gill was born on the 14th of June, 1920, in Clarksburg, West Virginia, enlisted in the United States Army on the 9th of June, 1942, and served in the European theater of war; he received the Purple Heart Medal for wounds sustained in France in 1944, as well as the American Theater Service Ribbon, European-African-Middle Eastern Service Ribbon, the World War II Victory Ribbon, and the Good Conduct Medal; he was honorably discharged on the 29th of October, 1945; and

Whereas, Corporal Foster Ray Gill was born on the 23rd of February, 1924, in Clarksburg, West Virginia, enlisted in the United States Army on the 22nd of March, 1943, and served in the European theater of war; he received the Good Conduct Medal, the European-African-Middle Eastern Service Ribbon, and the World War II Victory Ribbon and was honorably discharged on the 2nd of December, 1945; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-50-14.25 (17A195), locally known as Adamston Bridge, carrying U. S. 50 over the West Fork River in Harrison County, the "Gill Brothers World War II Veterans' Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "Gill Brothers World War II Veterans' Memorial Bridge"; 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.

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

H. C. R. 19 - "Requesting the Division of Highways name bridge number 17-24-7.22 (17A148), locally known as the Meadowbrook Bridge, carrying County Route 24 over the West Fork River in Harrison County, the 'U. S. Marine Sgt. Stephen E. Drummond Memorial Bridge'."

Whereas, Stephen Edward Drummond was born January 15, 1931, in Spelter, West Virginia, the son of General Shafter Drummond and Ruby Freeman Drummond; and

Whereas, Stephen E. Drummond had three brothers, Robert, Eugene and Shafter "Brud" Drummond; and

Whereas, Stephen E. Drummond graduated from Victory High School in Clarksburg, West Virginia. He married Natalie Dodd, his childhood sweetheart, who was born on the same day and preceded him in death in 2009, and with whom he raised two children, daughter Ricki and son Jeff; and

Whereas, Stephen E. Drummond was drafted after high school graduation and became a proud U. S. Marine. After required training, the young Marine saw intense combat in Korea. One day before his tour of duty was to end in Korea, his leg was severely wounded by shrapnel at the Battle of Vegas during an intense Chinese offensive; and

Whereas, Marine Sgt. Stephen E. Drummond and other United Nations soldiers were captured and the Marine was held as a prisoner of war for four months; and

Whereas, Sgt. Drummond was released as a prisoner of war with the signing of the armistice on July 27, 1953; and

Whereas, Marine Sgt. Stephen E. Drummond was awarded the Purple Heart Medal, a United Nations Service Medal, National Defense Service Medal and the Korean Ambassador for Peace Medal; and

Whereas, After returning home to Spelter, Sgt. Drummond earned a bachelor's degree from Fairmont State College and a master's degree from Miami University of Ohio, and began a career of more than 20 years as a mentor, coach, teacher, principal, administrator and superintendent in various school systems; and

Whereas, Following his retirement, Sgt. Drummond enjoyed traveling, visiting family members and creating and selling his invention, Tara-Lite, for which he held a design patent; and

Whereas, Sgt. Steven Edward Drummond died November 23, 2013; and

Whereas, It is fitting to dedicate an enduring memorial to Stephen Edward Drummond in recognition of his service to his country, to his community and to the teaching profession; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-24-7.22 (17A148), locally known as the Meadowbrook Bridge, carrying County Route 24 over the West Fork River in Harrison County, the "U. S. Marine Sgt. Stephen E. Drummond Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "U. S. Marine Sgt. Stephen E. Drummond Memorial Bridge"; 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.

Delegate Westfall, Atkinson, Criss, Hollen, Cadle, Storch, Mandt, D. Kelly, McGeehan, Miller, and Higginbotham offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Industry and Labor:

H. C. R. 20 - "Requesting the Division of Highways name bridge number 18-13-0-.12, near Sandyville in Jackson County, locally known as the Sandyville Bridge, the 'PFC Charles Everett Hurd Memorial Bridge'."

Whereas, Charles Everett Hurd was born November 12, 1946, in Sandyville, Jackson County, West Virginia, the son of Verner P. Hurd and Myrtle E. Hurd; and

Whereas, Charles Everett Hurd enlisted in the U. S. Marine Corps on September 2, 1964; and

Whereas, Private First-Class Charles Everette Hurd served with the Headquarters and Service Company, 2nd Battalion, 1st Marine Regiment, 1st Marine Division, Third Marine Amphibious Force; and

Whereas, Private First-Class Charles Everette Hurd gave his life for his country at Phu Bai in Thua, Thien Province, Vietnam on August 3, 1966; and

Whereas, Private First-Class Charles Everette Hurd was awarded the Purple Heart Medal, the National Defense Medal, and the Vietnam Service and Campaign Medals; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 18-13-0-.12, near Sandyville in Jackson County, locally known as the Sandyville Bridge, the "PFC Charles Everett Hurd 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 "PFC Charles Everett Hurd Memorial Bridge"; 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 R. Thompson and Hicks offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 21 - "Requesting the Division of Highways name bridge number 50-152-5.70 (50A112), locally known as Missouri Branch Beam Span, carrying West Virginia Route 152 over the West Fork of Twelvepole Creek, in Wayne County, the 'Curtis "Pap" and Mille "Mammie" Asbury Bridge'."

Whereas, Curtis Asbury was born on September 24, 1917 in Wayne, West Virginia, and his devoted wife Millie Ferguson was born on April 24, 1924. This couple was married in 1939; and

Whereas, Curtis and Millie Asbury established, owned and operated Asbury's Grocery located at the entrance to Cabwaylingo Park Road for 52 years. The grocery store became a vital source for community members. For five generations, the store not only provided necessary food and other goods but also became a meeting place for community members to gather in the mornings and evenings to discuss everything from politics to family life. It was the bus stop where schoolchildren of all ages would go and be met with a smile, a hug, and a piece of fruit or candy; and

Whereas, Almost every person in the community of Dunlow, West Virginia, has been touched by Curtis and Millie's kindness and generosity. The love they both had for our community was displayed by their hardworking, gentle, giving spirits. They were devoted to making our small community a better place to live by always extending a helping hand, providing jobs, caring for the elderly and encouraging and guiding the youth. They helped develop and organize our small community by creating local churches, directing Sunday school classes, and working to fulfill the needs of the entire community. They treated everyone as their own family and were lovingly referred to as everyone's "Mammie" and "Pap". Curtis and Millie Asbury have touched every family in this small community and they should be honored by having this bridge named to commemorate them; and

Whereas, This dedication would serve as an ongoing reminder of Curtis and Millie's commitment to making our community a better place to live and to making our citizens better people; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 50-152-5.70 (50A112), locally known as Missouri Branch Beam Span, carrying West Virginia Route 152 over the West Fork of Twelvepole Creek, in Wayne County, the "Curtis 'Pap' and Mille 'Mammie' Asbury 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 "Curtis 'Pap' and Mille 'Mammie' Asbury 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 Howell, Cadle, Hanna, Hill, Linville, Pack, Phillips, Staggers, Steele, Wilson and Worrell offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 22 - "Requesting the Division of Highways name that portion of County Route 220/1 beginning at its intersection with U. S. Route 220 and ending at County Route 220/2 (Pine Swamp Road) in Mineral County, the 'C. William "Bill" Pancake, Jr. Road'."

Whereas, Born on February 9, 1940, in Keyser, West Virginia, C. William “Bill” Pancake, Jr. discovered early in his life that he possessed a great mechanical inclination. His love for aviation began as a child when he would often ride his bike to the Keyser Airport where he would help out in exchange for spending money. It was on his 16th birthday that Bill Pancake piloted his first aircraft alone; and

Whereas, Since receiving his private pilot’s license in 1957, Bill Pancake has gone on to additional ratings including: Commercial, Instrument, Multi-engine, Airframe and PowerPlant with Inspection Authorization and is a Certified Flight Instructor. He began his work restoring and repairing small aircraft in the late 1950s with Aeronca Sales and Service in Burlington, West Virginia; and

Whereas, After leaving the aviation industry for several years, Bill Pancake decided to open his own restoration shop known as Pancake Aviation in 1973. What began as a sideline business turned into a successful endeavor as his work is known worldwide. From the United States to Russia and parts in between, Bill Pancake’s work has received numerous awards at some of the largest aviation events, including the prestigious EAA AirVenture Oshkosh; and

Whereas, Bill Pancake has been a technical advisor for the National Air and Space Museum as well as a Classic Judge at EAA AirVenture Oshkosh. His expertise on restoration and repairing of classic aircraft, specifically his award-winning 1946 Aeronca Champ that won the General Aviation News 2017 Picture of the Year, is unsurpassed; and

Whereas, Bill Pancake was inducted in to the West Virginia Aviation Hall of Fame in 2014; and

Whereas, Bill Pancake was the first West Virginian to receive both the Charles Taylor Master Mechanic Award and the Wright Brothers Master Pilot Award; and

Whereas, Most recently the EAA Vintage Aircraft Association named Bill Pancake as the General Aviation 2018 National Aviation Maintenance Technician of the Year. The General Aviation Awards Program is a cooperative effort between the FAA and the EAA Vintage Aircraft Association, and other industry sponsors, to annually recognize those individuals who play a role in promoting aviation safety, education, and professionalism. The EAA Vintage Aircraft Association is an international organization dedicated to the preservation and restoration of vintage aircraft. It is the largest and most well-known organization of its kind in the world. Its members include pilots, mechanics and nonpilots; and

Whereas, It is fitting that Bill Pancake, world-renowned in his field and recipient of so many international, national and state awards, be honored by naming this road for him; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the portion of County Route 220/1 beginning at its intersection with U. S. Route 220 and ending at County Route 220/2 (Pine Swamp Road) in Mineral County, the “C. William “Bill” Pancake, Jr. 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 highway as the “C. William ‘Bill’ Pancake, Jr. 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.

Delegate Hanshaw (Mr. Speaker) offered the following resolution, which was read by its title and referred to the Committee on Technology and Infrastructure then Rules:

H. C. R. 23 - "Requesting the Division of Highways name bridge number 08-19-0.04 (08A052), locally known as Moore Fork Bridge, carrying County Route 19 over Big Otter Creek in Clay County, the 'U. S. Army SGT Rodney David King and U. S. Army SGT James Harris King Memorial Bridge'."

Whereas, Rodney David King was born March 27, 1948, in Clay, West Virginia, the son of Henry and Adeline Paxton King; and

Whereas, Rodney David King attended a one-room school at Moore Fork, West Virginia, Ivydale Grade School, Clay County High School, Class of 1966, and attended college for two years; and

Whereas, Rodney David King is survived by his children, David King of Nashville, Tennessee, Carley King of Portland, Oregon, and Ariel King of the Netherlands; and

Whereas, SGT Rodney David King died May 2, 2017; and

Whereas, At his death, Rodney David King was survived by sisters, Charlotte Deer of Locust Grove, Virginia and Joyce Anderson of Duck, West Virginia, and a brother, Henry King of Rittman, Ohio; and

Whereas, Rodney David King was preceded in death by his parents and by brothers, James Harris, Van Cordell, Sam Paxton and Clay Elmore King, and sisters, Mitchella Price, Vemetta King and Wavie King; and

Whereas, SGT King served two years in the U. S. Army and was a member of Company A, 1st Battalion, 501st Infantry, 101st Airborne Division. SGT King was engaged in combat in Vietnam and was awarded an Air Medal for meritorious service while participating in aerial flight in support of ground operations in Vietnam. He also was awarded the Bronze Star Medal, the Vietnam Service Medal with one Bronze Service Star, the Combat Infantryman Badge, a Meritorious Unit Commendation Medal, the Army Commendation Medal, the Republic of Vietnam Campaign Medal, an Army Rifle Sharpshooter Medal and National Defense Service Medal; and

Whereas, James Harris King, brother of SGT Rodney David King, was born in Ivydale, West Virginia and served in the United States Army during the Korean War from September 18, 1951 until discharge August 19, 1953. Following basic training at Camp Breckinridge, Kentucky, SGT James Harris King was assigned to the 21st Antiaircraft Artillery AW Battalion; and

Whereas, For his service in Korea SGT James Harris King was awarded the Korean Service Medal, the United Nations Service Medal, the National Defense Service Medal and the Bronze Service Star Medal, awarded for heroic action in a combat zone; and

Whereas, James Harris King worked for 35 years at the Ford Motor Engine Plant 2, retiring in 1990, and was a member of the Doylestown Veterans of Foreign Wars Post 6312; and

Whereas, James Harris King died August 18, 1994 in Akron, Ohio; and

Whereas, It is appropriate to name this bridge to honor the service of SGT Rodney David King and SGT James Harris King to their communities and to their country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 08-19-0.04 (08A052), locally known as Moore Fork Bridge, carrying County Route 19 over Big Otter Creek in Clay County, the "U. S. Army SGT Rodney David King and U. S. Army SGT James Harris King Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to erect signs at both ends of the bridge containing bold and prominent letters proclaiming the bridge as the "U. S. Army SGT Rodney David King and U. S. Army SGT James Harris King Memorial Bridge"; and, be it

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

Bills Introduced

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

By Delegates Cooper, Cadle and Hartman:

H. B. 2532 - "A Bill to amend and reenact §17A-2-12a of the Code of West Virginia, 1931, as amended, relating to allowing persons to donate to the West Virginia Farm Bureau, the West Virginia 4 H Program, or the West Virginia Future Farmers of America Education Foundation when renewing a driver's license or vehicle registration"; to the Committee on Agriculture and Natural Resources then Finance.

By Delegates P. Martin, Wilson, Hanna and Maynard:

H. B. 2533 - "A Bill to amend and reenact §5-10-15 of the Code of West Virginia, 1931, as amended, relating to permitting a West Virginia public employee who first becomes an employee of a participating public employer on or after July 1, 2015, and who has received an honorable discharge, a general discharge under honorable conditions or a medical discharge from the Armed Forces of the United States, to purchase up to 60 months of military service credit for retirement purposes"; to the Committee on Pensions and Retirement then Finance.

By Delegates Canestraro, Zukoff, Williams, Caputo, Diserio, Sponaugle, Evans, Campbell, Swartzmiller, Miller and Robinson:

H. B. 2534 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto five new sections, designated §5-22-4, §5-22-5, §5-22-6, §5-22-7 and §5-22-8, all relating to requiring the use of items of goods and equipment manufactured in the United States in government construction contracts; specifying the types of public entities and the types of contracts to which provisions apply; setting forth duties and responsibilities of public entities and bidders on contracts; providing conditions upon which provisions may be waived; setting forth the duties and responsibilities of the Division of Labor; providing for violations and penalties; providing for hearings; defining terms; and requiring rule-making"; to the Committee on Industry and Labor then the Judiciary.

By Delegates Fast, Harshbarger and Hollen:

H. B. 2535 - "A Bill to amend and reenact §15A-3-14 of the Code of West Virginia, 1931, as amended, relating to purchasing exemptions and procedures; application of certain code provisions for purchases made under emergency conditions; providing for resolution of purchase claims related to and incurred in the business of the division pursuant to this article; requiring auditing of purchase claims; establishing circumstances for issuing the division's requisition upon the Auditor to discharge correct purchase claims; directing the Auditor to issue his or her warrant upon the Treasurer to claimants for payment of purchase claims in certain circumstances; in certain circumstances establishing review by the division to assess conditions comprising substantial compliance with the

requirement of an audit; and making technical changes”; to the Committee on Veterans’ Affairs and Homeland Security then Government Organization.

By Delegates Westfall, Azinger, Nelson and Criss:

H. B. 2536 - “A Bill to amend and reenact §33-30-6 of the Code of West Virginia, 1931, as amended, related to the Mine Subsidence Insurance program administered by the Board of Risk and Insurance Management; providing that when a policyholder has another source of insurance or remuneration for a covered loss, the mine subsidence insurance covers only the portion of the claim not covered by other sources; and providing that any recovery from other sources of insurance or remuneration for a claim will be first applied to property damage”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Caputo, N. Brown, Lovejoy, Paynter, Dean, Zukoff, Canestraro, Angelucci, Maynard, Toney and Walker:

H. B. 2537 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §23-4D-1, §23-4D-2, §23-4D-3, §23-4D-4, §23-4D-5, and §23-4D-6, all relating to creating the West Virginia Black Lung Program; granting entitlement for pain and suffering for occupational pneumoconiosis; providing that 10 years’ exposure as a miner is a conclusive presumption of entitlement to pain and suffering benefits; calculation of benefits; tax credit for benefits; imposing additional severance tax and tax on generation of electricity by solar and wind devices; creating the State Black Lung Fund; requiring the Governor and Legislature to cooperate with other states to attempt to recoup the federal excise tax on coal; and proposal of rules by the Insurance Commissioner and Tax Commissioner”; to the Committee on the Judiciary then Finance.

By Delegates Nelson, Pushkin, Hornbuckle, McGeehan, Householder, Barrett, Fluharty, Wilson, Byrd, Campbell and Queen:

H. B. 2538 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-14, relating to providing banking services for medical cannabis; defining terms; authorizing Treasurer to competitively bid for financial institutions to provide services; providing for disposition of penalties collected pursuant to the Act; authorizing Treasurer to hold funds outside treasury until permitted to transfer money to state main disbursement account; authorizing Treasurer to charge fees for providing services; creating the Medical Cannabis Fund; requiring ERP Board to ensure wvOASIS accommodate deposits under the Act; establishing that action under article not unlawful; and provide that the state will defend and indemnify those providing services under said section”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates Kessinger and Foster:

H. B. 2539 - “A Bill to amend and reenact §18-5-9 of the Code of West Virginia, 1931, as amended, relating to allowing private entities to lease buildings to local school boards in cases of emergency or condemnation”; to the Committee on Education.

By Delegates Harshbarger, Paynter, Sypolt, Cooper, Hanna and Bibby:

H. B. 2540 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5i, relating to prohibiting the waste of game animals, game birds or game fish and creating a misdemeanor with criminal penalties for the violations”; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates R. Thompson, Evans, Lovejoy, Doyle, Hornbuckle, Hicks, Dean and Paynter:

H. B. 2541 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9F-10, relating to requiring certain safety measures be taken at public schools”; to the Committee on Education.

By Delegates Howell, Pack and Hamrick:

H. B. 2542 - "A Bill to amend and reenact §24-6-5 of the Code of West Virginia, 1931, as amended, relating to permitting directors of county emergency phone systems to obtain mobile-phone emergency lines and enter into service provider contracts; and, establishing payment of emergency mobile-phone contracts"; to the Committee on Political Subdivisions then Government Organization.

By Delegates Canestraro, Fleischauer, Zukoff, Fluharty, Caputo and Diserio:

H. B. 2543 - "A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended, relating to increasing the tax on the privilege of severing natural gas and oil"; to the Committee on Energy then Finance.

By Delegates Canestraro, Fleischauer, Zukoff and Hansen:

H. B. 2544 - "A Bill to amend and reenact §16-2-11 of the Code of West Virginia, 1931, as amended, relating to authorizing local boards of health to assess, charge and collect increased environmental fees for restaurants"; to the Committee on Political Subdivisions then Health and Human Resources.

By Delegates Canestraro, Zukoff, Lovejoy, Robinson, Fluharty, Diserio and Miller:

H. B. 2545 - "A Bill to amend and reenact §17A-10-8 of the Code of West Virginia, 1931, as amended, relating to exempting recipients of the distinguished Purple Heart medal from payment of the vehicle registration fee for West Virginia residents"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

By Delegates Pushkin, Cadle, Doyle, Butler, McGeehan, Cooper, N. Brown, Ellington, Lovejoy, Sponaugle and Hornbuckle:

H. B. 2546 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §17A-3-4a, relating to excluding the value of durable medical equipment or mobility enhancing equipment when determining the value of the vehicle for imposition of the tax on the privilege of effecting the certification of title of the vehicle"; to the Committee on Finance.

By Delegate Shott:

H. B. 2547 - "A Bill to amend and reenact §3-9-6 of the Code of West Virginia, 1931, as amended, relating to the election prohibition zone; amending the election prohibition zone from 300 feet to 100 feet"; to the Committee on the Judiciary.

By Delegates Bates, Householder and Barrett:

H. B. 2548 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25, relating to creating a healthy living tax credit against the personal income tax; and requiring the Tax Commissioner to propose a legislative rule to implement the credit"; to the Committee on Health and Human Resources then Finance.

By Delegates Rohrbach, Maynard, Linville, Worrell and R. Thompson:

H. B. 2549 - "A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to compulsory school attendance; unexcused absences; and reducing the time, from 10 to five the number of unexcused absences by a student, when a complaint may be made against a parent or guardian"; to the Committee on Education then the Judiciary.

By Delegate Capito:

H. B. 2550 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-8-1, §5B-8-2, §5B-8-3, §5B-8-4, and §5B-8-5, all relating to creating a matching program for the Small Business Innovation and Research Program and the Small Business Technology Transfer Program; defining terms; defining eligibility; providing terms of the grant; and

defining the application process”; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegates Rohrbach, Higginbotham, Maynard, Cooper, Hamrick, Rowan, Toney, Atkinson, Dean, R. Thompson and Campbell:

H. B. 2551 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding 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 separate from the current total state basic foundation program; requiring consideration of cost factors in addition to population density or number of students on a particular bus route; requiring a report to the Legislature”; to the Committee on Education then Finance.

By Delegates Rowe, Fluharty, Fleischauer, Byrd and Robinson:

H. B. 2552 - “A Bill to amend and reenact §42-1-3 of the Code of West Virginia, 1931, as amended, relating to providing that the intestate share of a decedent’s surviving spouse also includes household goods, appliances and equipment, located at or generally associated with use of the last residence of the decedent if the spouse has been in cohabitation with the decedent in the previous 12 months prior to the death of the decedent; and making an exception”; to the Committee on the Judiciary.

By Delegate Caputo:

H. B. 2553 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-11G-1, relating to requiring exhibitors of motion pictures who operate two or more theatres in more than one location in this state to provide open captioning during at least two showings per week of each motion picture that is produced and offered with open captioning; and requiring, when requested, audio description be provided for any motion picture that is produced and offered with audio description”; to the Committee on the Judiciary.

By Delegates Hamrick, Worrell, Higginbotham and Howell:

H. B. 2554 - “A Bill to repeal §18-5-16a of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-5-16 of said code, all relating to transfers and enrollment policies for students in public schools”; to the Committee on Education.

By Delegates Doyle, Estep-Burton, Angelucci, S. Brown and Evans:

H. B. 2555 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-15-24, relating to the banning of plastic bags”; to the Committee on Small Business, Entrepreneurship and Economic Development then the Judiciary.

By Delegates Doyle, S. Brown, Evans, Hansen, Pushkin and Hornbuckle:

H. B. 2556 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-5-11a, relating to required notices for air quality permits prior to the permit being granted”; to the Committee on Government Organization then the Judiciary.

By Delegates Hanshaw (Mr. Speaker) and Miley

[By Request of the Executive]:

H. B. 2557 - “A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting social security and tier one railroad retirement benefits from personal income tax; specifying an effective date; and removing obsolete language”; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker), Nelson and Miley:

H. B. 2558 - "A Bill to amend §12-4-14 of the Code of West Virginia, 1931, as amended, relating to adding the definition of grantee to include state spending units and local governments; requiring grantees to report state grant spending information to grantors"; to the Committee on Government Organization then Finance.

By Delegates Howell, Pack, Hamrick, Worrell, Dean, Fast, Hott, Hollen, Storch, Ellington and Butler:

H. B. 2559 - "A Bill to amend and reenact §29-6-7a of the Code of West Virginia, 1931, as amended, relating to requiring a special report by the Division of Personnel; setting a deadline for delivering the report; requiring certain financial revenue and expense data; requiring information related to classification and compensation actions of the division; and requiring a description of any administrative appeals and outcomes"; to the Committee on Government Organization.

By Delegates Hanshaw (Mr. Speaker), Miley and Nelson:

H. B. 2560 - "A Bill to repeal §19-12A-3, §19-12A-4, and §19-12A-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §19-12A-1, §19-12A-2, §19-12A-5, §19-12A-6, §19-12A-6a, and §19-12A-8, all relating to the operation of state-owned farms; clarifying that state-owned farms are managed by the commissioner of the Department of Agriculture; removing reference to farm management commission; defining the term 'commissioner'; removing language regarding organization and duties of farm management commission; removing language regarding prior transfer of institutional land to the farm management commission; replace outdated language referencing to the Department of Health and Human Resources and Division of Corrections and Rehabilitation; providing that state institutions may purchase items from vendors that state owned farms cannot directly produce; and removing references to farm management director and replacing with commissioner"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Angelucci, Caputo and Longstreth:

H. B. 2561 - "A Bill to amend and reenact §18-5-1a of the Code of West Virginia, 1931, as amended, relating to expanding the eligibility for service on county school boards to those running for or serving as a nonpartisan elected official of a class III or class IV municipality"; to the Committee on Education then the Judiciary.

By Delegates Kump, Pushkin, McGeehan and N. Brown:

H. B. 2562 - "A Bill to amend and reenact §17C-5-4 of the Code of West Virginia, 1931, as amended, relating to requiring the issuance of a search warrant before a driver of a motor vehicle can be made to submit to a secondary blood test to determine the concentration of alcohol or controlled substance in his or her blood"; to the Committee on the Judiciary.

By Delegate Wilson:

H. B. 2563 - "A Bill to amend and reenact §60A-7-705 of the Code of West Virginia, 1931, as amended; relating to civil asset forfeiture; requiring that the state prove that the owner of seized property has been convicted of a crime and that the seized property was substantially related to said crime before the state can perfect title to the seized property; and requiring that the state return seized property to its owner if the state cannot meet its evidentiary burden"; to the Committee on the Judiciary.

By Delegates Paynter, Bibby, Fast, Hanna, Harshbarger, Jennings, Kessinger, P. Martin, Pyles, Queen and Pack:

H. B. 2564 - "A Bill to amend and reenact §19-35-2 and §19-35-5 of the Code of West Virginia, 1931, as amended, all relating to modification of cottage food laws"; to the Committee on Agriculture and Natural Resources then Health and Human Resources.

By Delegates Canestraro, Fleischauer, Zukoff, Pethtel, Fluharty, Diserio and Williams:

H. B. 2565 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-3f, relating to collecting a user fee from oil and gas producers who use secondary roads in the state; and providing for the distribution to the counties a proportional share of the collected fees"; to the Committee on Industry and Labor then Finance.

By Delegates Hanshaw (Mr. Speaker), Nelson and Miley:

H. B. 2566 - "A Bill to amend and reenact §6-7-5 of the Code of West Virginia, 1931, as amended, relating to changing the rate at which certain judges are paid for mileage when traveling within the state"; to the Committee on Finance.

By Delegates Hanshaw (Mr. Speaker) and Miley**[By Request of the Executive]:**

H. B. 2567 - "A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to allowing an individual to petition a circuit court for the expungement of misdemeanor offenses; requiring that the petition may be filed not fewer than 90 consecutive days after the successful compliance with a West Virginia Department of Health and Human Resources approved substance abuse treatment and counseling program and graduation from a West Virginia Department of Education approved Job Readiness Adult Training course, and entering into an agreement with the Department of Health and Human Resources to undergo random drug screenings if required by an employer for a period not to exceed 24 months, with no subsequent violations or random drug test failures after the petitioner began the rehabilitation and counseling program and the adult training course; setting forth what the petition must contain; limiting the number of expungements; and setting forth a fee"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Doyle, S. Brown and Evans:

H. B. 2568 - "A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended, relating to increasing the tax on the privilege of severing natural gas and oil"; to the Committee on Energy then Finance.

By Delegates Doyle, S. Brown, Barrett, Evans, Hansen and Hornbuckle:

H. B. 2569 - "A Bill to amend and reenact §11-13X-13 of the Code of West Virginia, 1931, as amended, relating to reinstating the film tax credits"; to the Committee on Small Business, Entrepreneurship and Economic Development then Finance.

By Delegate R. Thompson:

H. B. 2570 - "A Bill to amend and reenact §18A-5-2 of the Code of West Virginia, 1931, as amended, relating to providing that schools be closed for two weeks during the holiday season preceding Christmas Day and following New Year's Day"; to the Committee on Education.

By Delegates Rohrbach, D. Kelly, Hollen, Hornbuckle, Mandt, Walker, Linville, Steele and Worrell:

H. B. 2571 - "A Bill to amend and reenact §61-3-49 of the Code of West Virginia, 1931, as amended, relating to providing that the sale and purchase of copper as scrap metal may not be completed with the payment of cash; and requiring a purchaser to pay only by check"; to the Committee on Small Business, Entrepreneurship and Economic Development then Government Organization.

By Delegates Rohrbach, Hornbuckle, Walker and Lovejoy:

H. B. 2572 - "A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to making the written plans of municipalities that have been approved by the

Municipal Home Rule Board permanent; and providing that all ordinances, acts, resolutions, rules and regulations passed by those municipalities remain in effect until repealed”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Doyle, S. Brown, Evans, Pushkin and Hornbuckle:

H. B. 2573 - “A Bill to amend and reenact §16-13A-9 of the Code of West Virginia, 1931, as amended, relating to requiring new commercial and industrial customers to pay for the construction of any expanded or upgraded public service district facilities if the district’s present facilities are insufficient to serve the needs of that commercial or industrial consumer; and prohibiting any costs being passed on to present consumers”; to the Committee on Industry and Labor then the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 2190, Modifying bail requirements; 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. 9**), and there were—yeas 91, nays 4, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Barrett, Butler, Fast and P. Martin.

Absent and Not Voting: Ellington, Fleischauer, Hill, Kessinger and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2190) passed.

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

Com. Sub. for H. B. 2190 - “A Bill to amend and reenact §62-1C-1a of the Code of West Virginia, 1931, as amended, relating to the authorization to release a defendant or a person arrested upon his or her own recognizance; requiring a court or magistrate to release a person charged with certain misdemeanor offenses on his or her own recognizance except for good cause shown and permitting a prosecuting attorney to bring a motion to set cash or surety bond.”

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

H. B. 2311, Exempting short-term license holders to submit information to the State Tax Commission once the term of the permit has expired; 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. 10**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Fleischauer, Hill, Kessinger and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2311) passed.

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

H. B. 2311 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-1-9, relating to exempting short-term license holders to submit information to the Tax Commissioner once the term of the permit has expired; and requiring rulemaking."

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. 2008, Relating to nonpartisan election of justices of the Supreme Court of Appeals; on second reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

Com. Sub. for H. B. 2193, Providing a specific escheat of US savings bonds; on second reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

Com. Sub. for H. B. 2362, Relating to procedures for voting an emergency absentee ballot by qualified voters; on second reading, coming up in regular order, was read a second time.

Delegate Robinson moved to amend the bill on page one, following the enacting clause, by inserting a preamble to the bill, to read as follows:

"PREAMBLE: The Act shall be known as the 'Ardala Miller Memorial Act.'"

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. 11**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Wilson.

Absent and Not Voting: Ellington, Fleischauer, Hill, Kessinger and Skaff.

So, a majority of the members present and voting having voted in the affirmative, the amendment was adopted.

The bill was then 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. 2095, Assessing the college- and career-readiness of 11th and 12th grade students,

And,

Com. Sub. for H. B. 2423, Prohibiting certain sex offenders from being in a supervisory position over children.

Leaves of Absence

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

Miscellaneous Business

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

- Delegate N. Brown for H. B. 2074, H. B. 2077 and H. B. 2321
- Delegate Lovejoy for H. B. 2083
- Delegates Caputo, Diserio, Fleischauer, Fluharty, Pethtel and Williams for H. B. 2110
- Delegate S. Brown for H. B. 2169
- Delegate Wilson for H. B. 2412
- Delegates Canestraro and Wilson for H. B. 2435
- Delegates Canestraro, Fast, Foster, Harshbarger, D. Kelly and Mandt for H. B. 2462
- Delegate Pushkin for H. B. 2481
- Delegates Foster, Kessinger and Pushkin for H. B. 2486
- Delegates S. Brown, Byrd, Capito, Fleischauer, Kessinger, Mandt, Pushkin and Robinson for H. B. 2459
- Delegate Summers for H. B. 2499 (lead sponsor)
- Delegate Lavender-Bowe for H. B. 2568 and H. B. 2569

At 11:32 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 22, 2019.

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

SPECIAL CALENDAR

Tuesday, January 22, 2019

14th Day

11:00 A. M.

THIRD READING

Com. Sub. for H. B. 2362 - Relating to procedures for voting an emergency absentee ballot by qualified voters (SHOTT) (REGULAR)

SECOND READING

Com. Sub. for H. B. 2008 - Relating to nonpartisan election of justices of the Supreme Court of Appeals (SHOTT) (REGULAR)

Com. Sub. for H. B. 2095 - Assessing the college- and career-readiness of 11th and 12th grade students (HAMRICK) (REGULAR)

Com. Sub. for H. B. 2193 - Providing a specific escheat of US savings bonds (SHOTT) (REGULAR)

Com. Sub. for H. B. 2423 - Prohibiting certain sex offenders from being in a supervisory position over children (SHOTT) (REGULAR)

FIRST READING

Com. Sub. for H. B. 2005 - Broadband Expansion Act of 2019 (SHOTT) (REGULAR)

Com. Sub. for H. B. 2346 - Changing the licensing requirement for certain casino employees (HOWELL) (REGULAR)

Com. Sub. for H. B. 2360 - Placing the Athletic Commission under the Lottery Commission (HOWELL) (REGULAR)

H. B. 2412 - Relating to criminal acts concerning government procurement of commodities and services (SHOTT) (REGULAR)

Com. Sub. for H. B. 2422 - Relating to the time for the observation of "Celebrate Freedom Week" (HAMRICK) (REGULAR)

H. B. 2459 - Exercising authority to exempt individuals domiciled within the state from certain restrictions contained in federal law (SHOTT) (REGULAR)

H. B. 2462 - Issuing a certificate to correctional employees to carry firearms (SHOTT) (REGULAR)

House Calendar

Tuesday, January 22, 2019

14th Day

11:00 A. M.

NO BILLS

**WEST VIRGINIA
HOUSE OF DELEGATES**

TUESDAY, JANUARY 22, 2019

HOUSE CONVENES AT 11:00 A.M.

**AGRICULTURE AND NATURAL RESOURCES
8:30 A.M. – ROOM 215E**

***PUBLIC HEARING* HEALTH & HUMAN RESOURCES
9:00 A.M. – HOUSE CHAMBER
H. B. 2010, RELATING TO FOSTER CARE.**

**INDUSTRY & LABOR
10:00 A.M. – ROOM 215E**

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

**POLITICAL SUBDIVISIONS
1:00 P.M. – ROOM 432M**

**HEALTH & HUMAN RESOURCES
2:00 P.M. – ROOM 215E**

**PENSIONS & RETIREMENT
4:00 P.M. – ROOM 464M**

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