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February 15, 2019
THIRTY-EIGHTH DAY

Friday, February 15, 2019

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 14, 2019, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Higginbotham, 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. 2943, Relating to deliveries by wine specialty shop.

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

Delegate Higginbotham, 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,

H. B. 2887, Establishing a West Virginia business growth in low-income communities tax credit,

And,

Com. Sub. for S. B. 106, Alleviating double taxation on foreign income at state level,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2724, H. B. 2887 and Com. Sub. for S. B. 106) were each referred to the Committee on Finance.

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:

Com. Sub. for S. B. 103, Relating generally to Public Defender Services,

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 (Com. Sub. for S. B. 103) was referred to the Committee on Finance.

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. 2486, Using records of criminal conviction to disqualify a person from receiving a license for a profession or occupation,

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

Com. Sub. for H. B. 2486 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22; and to amend and reenact §30-5-11, §30-5-11a, §30-10-8, §30-10-10, §30-13A-9, §30-13A-12, §30-14-11, §30-20-8, §30-20-10, §30-20A-5, §30-21-7, §30-22-10, §30-23-9, §30-23-15, §30-23-17, §30-23-20, §30-25-8, § 30-26-5, §30-26-13, §30-30-8, §30-30-10, §30-30-12, §30-30-14, §30-30-26, §30-31-8, §30-31-9, §30-38-12 and §30-39-6 of said code, all relating to using records of criminal conviction to disqualify a person from receiving a license for a profession or occupation; requiring criminal offenses that can be used as a basis for disqualifying a person from initially applying for a license, certification or registration to bear a rational nexus to the occupation requiring licensure, limiting the time of disqualification for criminal offense; providing exceptions; providing petition process for individual with a criminal record to obtain determination of effect of a criminal record on ability to obtain a license; and requiring boards and licensing authorities to update legislative rules,"

And,

H. B. 2975, Relating to imposition of sexual acts on persons incarcerated,

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

Com. Sub. for H. B. 2975 - "A Bill to amend and reenact §61-8B-10 of the Code of West Virginia, 1931, as amended, relating to imposition of sexual acts on persons incarcerated or under supervision; providing for prohibition against sexual acts for any person working at an alternative sentence program who has supervisory duties; and providing that employees working at an alternative sentence program who engage in sexual acts with a person said employee is charged as part of his or her employment with supervising, is guilty of a felony,"

With the recommendation that the committee substitutes each do pass.

Delegate Capito, Chair of the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled and, on the 14th day of February 2019, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

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

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

Your Committee on Political Subdivisions has had under consideration:

H. B. 2827, Removing the residency requirements for hiring deputy assessors,

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. 2827) was referred to the Committee on Government Organization.

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

Your Committee on Political Subdivisions has had under consideration:

H. B. 2523, Increasing the amount of time a taxpayer has to seek relief from a county commission from an erroneous assessment,

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. 2523) was referred to the Committee on Finance.

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

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

H. B. 2672, Exempting honorably discharged veterans of the from payment of fees and costs for a license to carry deadly weapons,

H. B. 2695, Relating to purchases made by the Director of the Division of Protective Services for equipment to maintain security at state facilities,

And,

H. B. 2698, Authorizing the Division of Corrections and Rehabilitation to release to county prosecutors of this state certain information,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2672, H. B. 2695 and H. B. 2698) were each referred to the Committee on the Judiciary.

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

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

H. B. 2732, Defend the Guard Act,

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. 2732) was referred to the Committee on the Judiciary.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2617, Relating to the form for making offer of optional uninsured and underinsured coverage by insurers,

And,

H. B. 2770, Fairness in Cost-Sharing Calculation Act,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2617 and H. B. 2770) were each referred to the Committee on the Judiciary.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

H. B. 2690, Relating to guaranty associations,

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. 2690) was referred to the Committee on the Judiciary.

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

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

H. B. 2535, Relating to purchasing exemptions and procedures,

And,

H. B. 2926, Requiring the Secretary of the Department of Veterans' Affairs to study the housing needs of veterans,

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

In accordance with the former direction of the Speaker, the bills (H. B. 2535 and H. B. 2926) were each referred to the Committee on Government Organization.

Delegate Nelson, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

S. B. 453, Relating to background checks of certain financial institutions.

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 (S. B. 453) was referred to the Committee on the Judiciary.

On motions for leave, bills were introduced (Originating in the Committee on Prevention and Treatment of Substance Abuse and reported with the recommendation that they each do pass), which was read by its title, as follows:

By Delegate Rohrbach:

H. B. 3132 - "A Bill to amend §16-5Y-4 of the Code of West Virginia, 1931, as amended, relating to exempting providers that serve no more than 30 patients with office-based medication-assisted treatment from complying with the legislative rule and exempting licensed behavioral health centers providing office-based medication-assisted treatment from registration requirements but requiring them to attest and provide information to the Office of Health Facilities Licensure and Certification,"

And,

By Delegate Rohrbach:

H. B. 3133 - "A Bill to amend and reenact §62-12-6 and §62-12-17 of the Code of West Virginia, 1931, relating to requiring a parolee or probationer found to have suffered with addiction to participate in a support service upon release for a certain period of time."

Pursuant to House Rule 80, the Speaker referred H. B. 3132 to the Committee on Health and Human Resources and H. B. 3133 to the Committee on the Judiciary.

Delegate Rohrbach, Chair of the Committee on Prevention and Treatment of Substance Abuse, submitted the following report, which was received:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

H. B. 2883, Expanding the definitions of locations where enhanced penalties for selling controlled substances to a minor are applicable,

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. 2883) was referred to the Committee on the Judiciary.

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. 2901, Allowing for the establishment of a secondary location for racetrack video lottery terminals,

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. 2901) was referred to the Committee on Finance.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on February 14, 2019, he approved **S. B. 177 and Com. Sub. for S. B. 255**.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 74 - "A Bill to amend and reenact §23-2-1a of the Code of West Virginia, 1931, as amended, relating to exempting nonpaid volunteers at ski areas from workers' compensation benefits"; which was referred to the Committee on Banking and Insurance then the Judiciary.

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. 339 - "A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-7-2 of said code, all relating to defining 'pepper spray'; exempting pepper spray from definition of 'deadly weapons'; providing that persons over 16 years of age may carry pepper spray for the purpose of self-defense; and providing that such persons may carry pepper spray in the State Capitol Complex"; 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. 5 - "Requesting the Division of Highways to place signs at the following Interstate exits in Beckley: I-77 north bound at mile marker 42.5, I-77 south bound at mile marker 47.8, and I-64 west bound at mile marker 125.2, in Raleigh County, West Virginia, signifying Beckley as the 'Home of Coach Bob Bolen Mountain State University 2004 NAIA Champions'."

Whereas, Coach Bob Bolen was born August 28, 1963, in Beckley; and

Whereas, From 1986 to 1988, Coach Bolen was a mathematics teacher and head boys' basketball coach at Park School in Beckley, where his record was 31-5 and they were regular season champions; and

Whereas, From 1989 to 1993, Coach Bolen was head coach, junior varsity/assistant varsity at Woodrow Wilson High School in Beckley, where in 1990, 1992, and 1993 they were AAA state champions; and

Whereas, From 1993 to 2012, Coach Bolen was director of athletics and head men's basketball coach at Mountain State University in Beckley. From 2013 to 2015, he was assistant basketball coach at East Tennessee State University. Beginning in 2015 to the present, he has served as an ESPN analyst and Marshall University TV analyst; and

Whereas, Coach Bolen was head coach of the only national championship won by a men's basketball team in West Virginia in the last 71 years. He holds the most all-time wins for a collegiate coach in West Virginia, with 489 wins. He has the highest winning percentage of any coach at any collegiate level this decade, winning 87 percent of his games; and

Whereas, Coach Bolen's record includes: A career record 489 wins with 125 losses; 2010 NABC NAIA National Coach of the Year; 2004 NABC NAIA National Coach of the Year; 2004 West Virginia College Coach of the Year; 2004 Basketball Times National Coach of the Year; Regional Independent Coach of the Year, 13 times; ranked number one 48 times since 2000 NAIA National Poll; forty-nine consecutive weeks ranked in the top five in the country; twelve consecutive 25-win seasons, 2001 – 2012; number one scoring offense in country, six times; top five scoring offense in country for 17 consecutive seasons; and number one field goal percentage defense, three times; and

Whereas, Coach Bolen's collegiate yearly records are:

2011 – 2012	26-9 Record, NAIA Final Four
2010 – 2011	33-4 Record, NAIA National Tournament Runner Up
2009 – 2010	29-3 Record, #3 NAIA Final National Poll, NAIA "Sweet 16"
2008 – 2009	28-5 Record, #3 NAIA Final National Poll, NAIA "Sweet 16"
2007 – 2008	34-3 Record, NAIA National Tournament Runner Up
2006 – 2007	27-6 Record, #4 NAIA Final National Poll;
2005 – 2006	29-3 Record, #1 NAIA Final National Poll, NAIA "Sweet 16"
2004 – 2005	31-4 Record, #1 NAIA Final National Poll, NAIA "Elite 8"
2003 – 2004	38-1 Record, NAIA National Champions

2002 – 2003	32-7 Record, NAIA National Tournament Runner Up
2001 – 2002	27-6 Record, #5 NAIA Final National Poll, “Sweet 16”
2000 – 2001	25-5 Record, #6 NAIA Final National Poll
1999 – 2000	22-9 Record, #20 NAIA Final National Poll
1998 – 1999	29-6 Record, #12 NAIA Final National Poll, “Sweet 16”
1994 – 1998	79-54 Record, #22 NAIA Final National Poll; and

Whereas, It is fitting that signs be placed at those Beckley exits proclaiming that Beckley is Coach Bolen’s hometown, a man who brought national attention to his city and his state and touched the lives of many athletes, students, fans, and residents of Beckley; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to place signs at the following Interstate exits in Beckley: I-77 north bound at mile marker 42.5, I-77 south bound at mile marker 47.8, and I-64 west bound at mile marker 125.2, in Raleigh County, West Virginia, signifying Beckley as the “Home of Coach Bob Bolen Mountain State University 2004 NAIA Champions”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying Beckley as the “Home of Coach Bob Bolen Mountain State University 2004 NAIA Champions”; 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. 7 - “Urging Congress to amend title 23, United States Code, to permit the State of West Virginia to provide exceptions to the maximum gross vehicle weight that will allow the operation of certain vehicles, including tri-axle dump trucks, for the hauling of timber on interstate highways in West Virginia.”

Whereas, Providing an exception to the existing weight limit and restrictions for certain trucks operating on interstate highways in West Virginia will allow these trucks to travel the safer interstate highways and decrease their presence on the more dangerous state and U. S. highways of West Virginia; and

Whereas, Congress has previously provided exceptions to the maximum gross vehicle weight on interstate highways for several states of the United States; therefore, be it

Resolved by the Legislature of West Virginia:

That Congress is urged to amend title 23, United States Code, to permit the State of West Virginia to provide exceptions to the maximum gross vehicle weight that will allow the operation of certain

vehicles, including tri-axle dump trucks, for the hauling of timber on interstate highways in West Virginia; 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.

Motions

Delegate Angelucci filed a written motion to remove from the table the motion by Delegate Fluharty of February 7, 2019, that pursuant to House Rule 82, that H. B. 2733 be discharged from the Committee on Industry and Labor.

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. 183**), and there were—yeas 32, nays 63, absent and not voting 5, with the yeas and absent and not voting being as follows:

Yeas: Angelucci, Barrett, Bates, S. Brown, Campbell, Canestraro, Caputo, Diserio, Doyle, Estep-Burton, Evans, Fleischauer, Fluharty, Hansen, Hartman, Hornbuckle, Longstreth, Lovejoy, Miley, Miller, Pethtel, Pushkin, Pyles, Robinson, Rowe, Skaff, Staggers, Swartzmiller, C. Thompson, Walker, Williams and Zukoff.

Absent and Not Voting: Boggs, Byrd, Dean, Ellington and Sponaugle.

So, a majority of the members present and voting not having voted in the affirmative, the motion did not prevail.

Special Calendar

Unfinished Business

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

H. C. R. 2, Senator J. Frank Deem Memorial Bridge,

H. C. R. 4, Gold Star Families Highway,

Com. Sub. for H. C. R. 7, Kidd Brothers Bridge,

Com. Sub. for H. C. R. 11, U. S. Army Command Sergeant Major Timothy Allen Bolyard Memorial Bridge,

H. C. R. 19, U. S. Marine Sgt. Stephen E. Drummond Memorial Bridge,

H. C. R. 23, U. S. Army SGT Rodney David King and U. S. Army SGT James Harris King Memorial Bridge,

Com. Sub. for H. C. R. 26, George Roush Memorial Bridge,

H. C. R. 43, U. S. Army Air Corps T SGT Ralph H. Ray Bridge,

And,

H. C. R. 44, U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge.

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

Third Reading

H. B. 2472, Providing a special license plate for pollinators; 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. 184**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: McGeehan and Pushkin.

Absent and Not Voting: Boggs, Byrd, Dean, Ellington and Sponaule.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2472) 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. 2538, Providing banking services for medical cannabis; 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, including pairs—yeas 89, nays 7, absent and not voting 4, with the paired, nays and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairing was filed and announced by the Clerk:

Paired:

Yea: Byrd

Nay: Fast

Nays: Butler, Hollen, Jennings, P. Martin, Porterfield and Rohrbach.

Absent and Not Voting: Boggs, Dean, Ellington and Sponaule.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2538) 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 87, nays 7, absent and not voting 6, with the nays and absent and not voting being as follows:

Nays: Butler, Fast, Hollen, D. Jeffries, Jennings, P. Martin and Porterfield.

Absent and Not Voting: Boggs, Byrd, Dean, Ellington, Lavender-Bowe and Sponaugle.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2538) 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. 2579, Relating to the collection of tax and the priority of distribution of an estate or property in receivership; 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 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Byrd, Dean, Ellington 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. 2579) 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. 2618, Including undue influence as a factor in the definition of financial exploitation of an elderly person or protected person; on third reading, coming up in regular order, was read a third time.

Delegate J. Kelly requested to be excused from voting on the passage of Com. Sub. for H. B. 2618 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.

Delegate Fluharty was recognized and moved that Com. Sub. for H. B. 2618 be recommitted to the Committee on the Judiciary, which motion was rejected.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 188**), and there were—yeas 84, nays 11, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Bates, Fleischauer, Fluharty, Harshbarger, Howell, Jennings, Kump, McGeehan, Steele, C. Thompson and Wilson.

Absent and Not Voting: Boggs, Byrd, Dean, Ellington 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. 2618) passed.

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

Com. Sub. for H. B. 2618 - "A Bill to amend and reenact §55-7J-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-2-29b of said code, all relating to including the use of undue influence resulting in financial or asset loss or disadvantage to an elderly person,

protected person or incapacitated adult in the definitions of civil and criminal financial exploitation of elderly persons, protected persons and incapacitated adults; defining terms; and revising criminal penalties.”

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

H. B. 2716, Relating to motorboat lighting and equipment 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. 189**), 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: Boggs, Byrd, Dean, Ellington and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2716) passed.

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

H. B. 2716 - “A Bill to amend and reenact §20-7-13 of the Code of West Virginia, 1931, as amended, relating to vessel lighting and equipment requirements.”

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

H. B. 2846, Designating a “Back the Blue” plate in support of law-enforcement personnel; 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 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Boggs, Byrd, Dean, Ellington and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2846) passed.

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

H. B. 2992, Relating to governmental websites; 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 87, nays 8, absent and not voting 5, with the nays and absent and not voting being as follows:

Nays: Barrett, Hardy, Kessinger, Pushkin, Robinson, Steele, Wilson and Worrell.

Absent and Not Voting: Boggs, Byrd, Dean, Ellington and Sponaugle.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2992) 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

S. B. 377, Relating to minimum wage and maximum hour standards; on second reading, coming up in regular order, was, on motion of Delegate Summers, postponed one day.

Com. Sub. for H. B. 2768, Reducing the use of certain prescription drugs; 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. 2834, Updating and modernizing the minimum spacing provisions for the drilling of horizontal deep wells; 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. 2849, Establishing different classes of pharmacy technicians; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 2439, Relating to fire service equipment and training funds for volunteer and part-volunteer fire companies,

Com. Sub. for H. B. 2542, Permitting directors of county emergency phone systems to obtain mobile-phone emergency lines,

Com. Sub. for H. B. 2947, Relating generally to telemedicine prescription practice requirements and exceptions,

And,

H. B. 2958, Authorizing the State Auditor to conduct regular financial examinations or audits of all volunteer fire companies.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Boggs, Byrd, Dean, Ellington and Sponaugle.

Miscellaneous Business

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

- Delegate Hill for H. B. 2654

- Delegate Porterfield for H. B. 2532, H. B. 2968, H. B. 2969, H. B. 2908, H. B. 3007, H. B. 3016
- Delegate Zukoff for H. B. 3070
- Delegate Cowles for H. B. 3093

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

- Delegates Hornbuckle and Miley for H. R. 11

At 1:04 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 18, 2019.

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

SPECIAL CALENDAR

Monday, February 18, 2019

41st Day

11:00 A. M.

THIRD READING

- Com. Sub. for H. B. 2768 - Reducing the use of certain prescription drugs (ELLINGTON) (REGULAR)
- Com. Sub. for H. B. 2834 - Updating and modernizing the minimum spacing provisions for the drilling of horizontal deep wells (ANDERSON) (REGULAR)
- Com. Sub. for H. B. 2849 - Establishing different classes of pharmacy technicians (ELLINGTON) (REGULAR)

SECOND READING

- S. B. 377 - Relating to minimum wage and maximum hour standards (JUDICIARY COMMITTEE AMENDMENT PENDING) (AMENDMENTS PENDING) (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2439 - Relating to fire service equipment and training funds for volunteer and part-volunteer fire companies (HOWELL) (REGULAR)
- Com. Sub. for H. B. 2542 - Permitting directors of county emergency phone systems to obtain mobile-phone emergency lines (HOWELL) (JULY 1, 2019)
- Com. Sub. for H. B. 2947 - Relating generally to telemedicine prescription practice requirements and exceptions (ELLINGTON) (REGULAR)
- H. B. 2958 - Authorizing the State Auditor to conduct regular financial examinations or audits of all volunteer fire companies (HOWELL) (REGULAR)

FIRST READING

- Com. Sub. for H. B. 2486 - Using records of criminal conviction to disqualify a person from receiving a license for a profession or occupation (SHOTT) (REGULAR)
- Com. Sub. for H. B. 2975 - Relating to imposition of sexual acts on persons incarcerated (SHOTT) (REGULAR)

HOUSE CALENDAR

Monday, February 18, 2019

41st Day

11:00 A. M.

SECOND READING

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

H. B. 2692 - Relating to primary elections and procedures (HOWELL) (REGULAR)

H. B. 2819 - Relating generally to contractors (FINANCE COMMITTEE AMENDMENT PENDING) (HOUSEHOLDER) (REGULAR)

WEST VIRGINIA HOUSE OF DELEGATES

MONDAY, FEBRUARY 18, 2019

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

**COMMITTEE ON EDUCATION
9:00 A.M. – ROOM 432M**

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

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

**COMMITTEE ON FINANCE
2:00 P.M. – ROOM 460M**

TUESDAY, FEBRUARY 19, 2019

**PUBLIC HEARING
COMMITTEE ON THE JUDICIARY SUBCOMMITTEE
8:00 A.M. – HOUSE CHAMBER
ARTICLE V CONVENTION OF THE STATES PROPOSALS**

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