

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Fourth Legislature
Second Regular Session

Held at Charleston
Published by the Clerk of the House



February 10, 2020
THIRTY-FOURTH DAY

Monday, February 10, 2020

THIRTY-FOURTH 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, February 7, 2020, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

Your Committee on Education has had under consideration:

H. B. 2719, Establishing an optional bus operator in residence program for school districts,

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

In accordance with the former direction of the Speaker, the bill (H. B. 2719) was referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

H. B. 4398, Relating to required courses of instruction,

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

Com. Sub. for H. B. 4398 - "A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required courses of instruction; and incorporating into these courses the original texts of the Declaration of Independence, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, the Federalist Papers, the Emancipation Proclamation, the Constitution of West Virginia, and their original context; and including the Federalist Papers in Celebrate Freedom Week instruction,"

With the recommendation that the committee substitute do pass.

On motion for leave, a bill was introduced (Originating in the Committee on Education and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Ellington, Higginbotham, Atkinson, Hanna, Toney, Waxman, Hornbuckle, Campbell, Lavender-Bowe, R. Thompson and Zukoff:

H. B. 4790 - "A Bill amend and reenact §18-2-7d of the Code of West Virginia, 1931, as amended, relating to Career Technical Education for middle school students; broadening workforce preparedness information to be communicated to students to include the knowledge, skills and characteristics needed for success in occupations and entrepreneurship; integration with career exploration beginning in middle school grades; and requiring county boards to provide elective Career Technical Education courses for middle school students beginning 2022 – 2023 school year."

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

Your Committee on Finance has had under consideration:

H. B. 4113, Relating to motor fuel excise taxes,

And reports the same back, with a title amendment, with the recommendation that it do pass, as amended.

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. 4189, Relating generally to the payment of salary or wages under the Parental Leave Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4189) was referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration:

H. B. 4437, Relating to the West Virginia Pay Card program,

And,

H. B. 4655, Permitting military personnel in areas where on-the-job emergency medicine is part of the training to be granted automatic EMS or EMT certification,

And reports the same back with the recommendation that they each do pass.

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

Your Committee on Government Organization has had under consideration:

H. B. 4587, Modernizing the Public Service Commission's regulation of solid waste motor carriers and solid waste facilities,

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. 4587) was referred to the Committee on the Judiciary.

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

Your Committee on Energy has had under consideration:

H. B. 4706, Relating to reports concerning funds due to unknown or unlocatable interest owners,

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

Com. Sub. for H. B. 4706 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-4-9; and to amend said code by adding thereto a new section, designated §55-12A-7a, all relating to providing transparency in government by creating reporting procedures and requirements concerning funds being held by fiduciaries, commissioners and receivers which are due to missing, unknown or unlocatable real estate interest owners from partition lawsuits and lawsuits concerning leasing and conveyancing of mineral interests by missing owners; providing reporting requirements to the State Treasurer, Legislature, and the Supreme Court of Appeals; defining and specifying the contents of the reports; establishing reporting dates; and providing for rule-making,"

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

In the absence of objection, reference of the bill (Com. Sub. for H. B. 4706) to the Committee on the Judiciary was abrogated.

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

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

Com. Sub. for S. B. 560, Permitting nursing home use trained individuals administer medication,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

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

Your Committee on Energy has had under consideration:

H. B. 4088, Disposition of funds from certain oil and natural gas wells due to unknown or unlocatable interest owners,

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

Com. Sub. for H. B. 4088 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-4-9; and to amend and reenact §55-12A-7 of said

code, all relating to funding the Oil and Gas Reclamation Fund; providing that proceeds from certain real property interests that are due to persons whose names or addresses are unknown or unlocatable which are being kept in special funds throughout the state, if unclaimed for seven years or more, shall be transferred to the Oil and Gas Reclamation Fund and used to plug orphaned and abandoned oil and natural gas wells; providing and clarifying that certain deed or will provisions purporting to convey or reserve interests created by this article are void; clarifying that receivers include both general and special receivers; providing that certain provisions take effect beginning when funds have been unclaimed for seven years after the Special Commissioner's lease regardless of when the lease was signed; and authorizing rule making,"

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

In the absence of objection, reference of the bill (Com. Sub. for H. B. 4088) to the Committee on Finance was abrogated.

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. 4615, West Virginia Critical Infrastructure Protection Act,

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

Com. Sub. for H. B. 4615 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-10-34, relating to establishing the West Virginia Critical Infrastructure Protection Act; defining terms; creating a criminal offense of trespass upon property containing a critical infrastructure facility, upon property containing a critical infrastructure facility with intent to interrupt the lawful operations of the facility, and for causing willful damage to a critical infrastructure facility; establishing criminal offense of conspiracy to commit trespass; establishing criminal penalties; providing for civil liability; and providing nothing in this section will be construed to prevent lawful assembly and petition for redress of grievances,"

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:

Com. Sub. for S. B. 16, Creating Protect Our Right to Unite Act,

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

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

Your Committee on the Judiciary has had under consideration:

H. B. 4158, Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption,

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

Com. Sub. for H. B. 4158 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-6-2a, relating to allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption,"

With the recommendation that the committee substitute 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 10th day of February, 2020, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

H. B. 4393, Relating to making suffocation and asphyxiation crimes.

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 10th day of February, 2020, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

H. B. 4103, Relating to office of drug control policy.

Messages from the Executive

Delegate Hanshaw (Mr. Speaker) presented a communication from His Excellency, the Governor, advising that on February 7, 2020, he approved **Com. Sub. for H. B. 2696**.

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. 136 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-28-1, §47-28-2, §47-28-3, and §47-28-4, all relating to prohibiting certain misleading lawsuit advertising practices; providing civil and criminal penalties for violations of this article; providing for certain disclosures and warnings in lawsuit advertising for the protection of patients; and imposing criminal penalties"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

Com. Sub. for S. B. 138 - "A Bill to amend and reenact §7-11B-3, §7-11B-4, and §7-11B-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §7A-2-4 of said code; and to amend said code by adding thereto a new section, designated §7A-2-5, all relating to incentives for consolidating local governments; amending the definitions of certain terms to include municipalities that successfully consolidated; granting additional powers to governing bodies of municipalities that

successfully consolidated; authorizing municipalities that successfully consolidate additional powers related to creation of a development or redevelopment district; allowing consolidation of local governments to include public school districts, library districts, and fire districts; creating certain incentives for municipalities that consolidate; creating certain incentives for counties that consolidate; and creating certain incentives for municipalities and counties that form metro governments by consolidation”; which was referred to the Committee on Government Organization then Finance.

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. 142 - “A Bill to amend and reenact §7-7-6e of the Code of West Virginia, 1931, as amended, relating to Coyote Control Program; providing for voluntary assessment on breeding-age cows to participate in Coyote Control Program; deleting language regarding expenditures for fiscal year ending June 30, 2006; requiring notice by certain cow owners participating in program; and making technical changes”; which was referred to the Committee on Agriculture and Natural Resources then Finance.

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. 203 - “A Bill to amend and reenact §11-10-14a of the Code of West Virginia, 1931, as amended, relating to allowing certain deductions to be made from individual personal income tax refunds; providing check-off for nursing home and health care for aged and disabled veterans in the West Virginia Veterans Home; and providing check-off for purposes of operating and maintaining the Donel C. Kinnard Memorial State Veterans Cemetery”; which was referred to the Committee on Veterans’ Affairs and Homeland Security then Finance.

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. 522 - “A Bill to amend and reenact §14-2A-3 and §14-2A-14 of the Code of West Virginia, 1931, as amended, all relating to compensation awards to victims of crimes; providing for an altered definition of an ‘allowable expense’; establishing conditions to satisfy reporting requirements for juvenile abuse and neglect cases; providing for expanded benefits for juvenile victims of abuse and neglect cases; and establishing agency authority to file an application on behalf of a minor child for expanded benefits for juvenile victims of abuse and neglect cases”; which was referred to the Committee on the Judiciary then Finance.

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. 615 - “A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof”; which was referred to the Committee on Finance.

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. 623 - "A Bill to amend and reenact §18A-3-1 and §18A-3-1f of the Code of West Virginia, 1931, as amended, all relating to making a noncitizen of the United States eligible for a certificate to teach or an alternative program teacher certificate if he or she holds a valid Permanent Resident Card, Employment Authorization Document, or work permit issued by the United States Citizenship and Immigration Services"; which was referred to the Committee on Education.

Resolutions Introduced

Delegates Lavender-Bowe, Walker, Estep-Burton, Staggers, S. Brown, Zukoff, Fleischauer, Longstreth, Storch, Rowan and Graves offered the following resolution, which was read by its title and referred to the Committee on Rules:

H. C. R. 72 - "Urging the United States Congress to extend the ratification deadline for the purpose of amending the Constitution of the United States of America to include the Equal Rights Amendment."

Whereas, The Equal Rights Amendment is a proposed amendment to the Constitution of the United States, guaranteeing equal legal rights to all American citizens, regardless of sex; and

Whereas, The Equal Rights Amendment was first proposed in 1943 and passed the United States House of Representatives and United States Senate on March 22, 1972; and

Whereas, Within 48 hours of its congressional passage, six states had ratified the proposed amendment; and

Whereas, The State of West Virginia became the 14th state to ratify the Equal Rights Amendment on April 22, 1972; and

Whereas, Thirty-seven States have ratified the amendment with the Commonwealth of Virginia becoming the thirty-eighth state to ratify said amendment on January 15, 2020; and

Whereas, Article V of the Constitution of the United States requires an article of amendment proposed to the state in that joint resolution shall be valid to all intents and purposes as part of the Constitution whenever ratified by the Legislatures of three-fourths of the several States; and

Whereas, The United States Congress established an original ratification deadline of March 22, 1979; and

Whereas, When the March 22, 1979 deadline approached, the proposed Equal Rights Amendment was still three States short of the three-fourths required for ratification outlined in Article V; and

Whereas, On October 2, 1978, the United States Congress formally adopted a resolution, amending the ratification deadline, extending it to June 30, 1982; and

Whereas, The action by the United States Congress, demonstrated that Congress had the authority to modify an amendment's time limit to maintain its validity; and

Whereas, In accordance with the traditional ratification process outlined in Article V of the Constitution, the Equal Rights Amendment has been reintroduced in every session of Congress since 1982; and

Whereas, The State of West Virginia, reaffirms its commitment to equality, which is expressed in the state's motto, "*Montani Semper Liberi*;" and

Whereas, Extending the ratification deadline for the Equal Rights Amendment would permit states to freely consider the article of amendment proposed; and

Whereas, The State of West Virginia intends to affirm its support of the continuing ratifications considered together with all others passed, pending, and future applications until such time as two thirds of the several States have ratified the Equal Rights Amendment; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges Congress to support the declaration by Congress that the Equal Rights Amendment shall be valid to all intents and purposes as part of the Constitution whenever ratified by the Legislatures of three-fourths of the several States; and, be it

Further Resolved, That the Clerk of the House forward copies of this resolution to the President of the United States; the Vice President of the United States in his capacity as presiding officer of the United States Senate; the Speaker of the United States House of Representatives; the Minority Leader of the United States House of Representatives; the President *Pro Tempore* of the United States Senate; to each Senator and Representative from West Virginia in the Congress of the United States with the respectful request that the full and complete text of this resolution be printed in the Congressional Record.

And,

Delegates C. Thompson, Storch, S. Brown, Estep-Burton, Walker, Evans, Hartman, Angelucci, Kessinger, Zukoff and Dean offered the following resolution, which was read by its title and referred to the Committee on Agriculture and Natural Resources then Rules:

H. C. R. 73 - "Designating dogs that are adopted from West Virginia animal shelters and rescues as West Virginia's official state dog."

Whereas, According to a recent study, animal shelters and rescues in the United States take in more than 5.5 million dogs each year; and

Whereas, Approximately 800,000 of these dogs are euthanized every year; and

Whereas, West Virginia has more than 500 animal shelters and rescues that are dedicated to finding homes for the thousands of dogs they take in each year; and

Whereas, The Legislature seeks to raise public awareness of shelter and rescue dogs; therefore, be it

Resolved by the Legislature of West Virginia:

That dogs adopted from West Virginia animal shelters and rescues be designated as West Virginia's official state dog; and, be it

Further Resolved, That the Clerk of the Senate forward a copy of this resolution to the Governor and the schools of the state.

Bills Introduced

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

By Delegate Porterfield:

H. B. 4761 - "A Bill to amend and reenact §11A-4-4 of the Code of West Virginia, 1931, as amended, relating to reducing to one year the deadline for right to set aside deed when one entitled to notice of tax sale was not notified"; to the Committee on the Judiciary.

By Delegate Wilson:

H. B. 4762 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-4-18, relating to requiring publication of continually updated records of state financial transactions in a publicly accessible, searchable website; declaring the people's right to review and search state financial records; and providing for confidentiality of certain information for protection against unauthorized access to state accounts and for protections of individual privacy"; to the Committee on Government Organization.

By Delegate Rowe:

H. B. 4763 - "A Bill to amend and reenact §2-2-1a of the Code of West Virginia, 1931, as amended, relating to the establishment of a special memorial day to be known as Juneteenth honoring human rights and the end of slavery in the United States; and encouraging all counties and municipalities in the state to do the same"; to the Committee on Political Subdivisions then Government Organization.

By Delegate Canestraro:

H. B. 4764 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-17-4c, relating to increasing the excise tax on E-cigarettes; and requiring the Tax Commissioner to promulgate rules"; to the Committee on Health and Human Resources then Finance.

By Delegates C. Thompson, S. Brown, Angelucci, Sponaugle, Lavender-Bowe and Dean:

H. B. 4765 - "A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to reducing the criminal penalty for possession of small amounts of marijuana or paraphernal designed for smoking or other use of marijuana"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Hartman, C. Thompson, N. Brown, Sponaugle and Doyle:

H. B. 4766 - "A Bill to amend and reenact §29-6-4 of the Code of West Virginia, 1931, as amended, relating to the Civil Service System and changing the hourly threshold for exemption of part-time employees from classified service"; to the Committee on Government Organization.

By Delegates C. Thompson, Hartman, Lavender-Bowe, Angelucci, Kessinger, Dean, Storch and Sponaugle:

H. B. 4767 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-2D-1, §20-2D-2, §20-2D-3, §20-2D-4, §20-2D-5, §20-2D-6, §20-2D-7, §20-2D-8, §20-2D-9, §20-2D-10, §20-2D-11, §20-2D-12, §20-2D-13, §20-2D-14, §20-2D-15, §20-2D-16 and §20-2D-17, all relating to establishing a system for issuing permits for persons to provide rehabilitation of orphaned, sick and injured wildlife; setting forth a purpose for the legislation; defining certain terms; establishing qualifications and duties of rehabilitators; providing for the issuance of permits by the Director of Rehab Services for the Division of Natural Resources; requiring certain standards of treatment and housing; listing criteria for revocation of permits; and providing that the

Director of Rehab Services for the Division of Natural Resources may propose legislative rules”; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates C. Thompson, Sponaugle, Estep-Burton, S. Brown, Walker, Hartman, Lavender-Bowe, Angelucci and Dean:

H. B. 4768 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-6-17, relating to providing a \$1,000 pay increase for full-time adult protective service workers”; to the Committee on Health and Human Resources then Finance.

By Delegates Swartzmiller, Fluharty, Diserio, Robinson, Skaff, Storch and McGeehan:

H. B. 4769 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-30, relating to creating a comprehensive study of the greyhound racing industry; providing legislative findings; directing the West Virginia University Bureau of Business and Economic Research and Marshall University’s Center for Regional Progress to conduct the study; providing that the universities submit a memo of understanding outlining the study plan and allocation of duties between the two schools; providing study parameters; and establishing study reporting deadlines”; to the Committee on the Judiciary then Finance.

By Delegate Rowe:

H. B. 4770 - “A Bill to amend and reenact §11-16-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-7-12 of said code; and to amend and reenact §60-8-34 of said code, all relating to changing the beginning time for beer and wine sales on Sunday from one p.m. to 10 a.m.”; to the Committee on the Judiciary.

By Delegates Dean, R. Thompson, N. Brown, Paynter, Steele, Toney, Evans, Rodighiero and Tomblin:

H. B. 4771 - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to requiring ‘Mine War History Day’ be observed in schools every year”; to the Committee on Education.

By Delegate Rowe:

H. B. 4772 - “A Bill to amend and reenact §8-12-16 of the Code of West Virginia, 1931, as amended, relating to authorizing municipalities to enact ordinances that allow the municipal court to place a structure, dwelling or building into receivership under certain circumstances”; to the Committee on Political Subdivisions then Government Organization.

By Delegates Zukoff, Rowan, Ellington, Staggers, Rohrbach, Lavender-Bowe and Estep-Burton:

H. B. 4773 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5AA-1, all relating to creating a workgroup to investigate and recommend screening protocols for adverse childhood trauma in this state; designating members of workgroup; providing for duties of workgroup; providing that the West Virginia Bureau of Public Health shall provide staff for the workgroup; providing for public hearings; and providing for the submission of a final report to the Legislature”; to the Committee on Health and Human Resources.

By Delegates C. Thompson, Estep-Burton, Lavender-Bowe, S. Brown, Walker, Hartman, Angelucci and Sponaugle:

H. B. 4774 - “A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating to providing that the Division of Motor Vehicles identification cards be issued at no cost to applicants”; to the Committee on Technology and Infrastructure then Finance.

By Delegate Rowe:

H. B. 4775 - "A Bill to amend and reenact §11-13X-13 of the Code of West Virginia, 1931, as amended, relating to reinstating the film industry investment tax credit"; to the Committee on Finance.

By Delegates Miley, Barrett, Swartzmiller, Caputo, Sponaugle, Campbell, Pyles, Zukoff, Lavender-Bowe, Staggers and Miller:

H. B. 4776 - "A Bill to amend and reenact §15-2-33 of the Code of West Virginia, 1931, as amended, relating to increasing the pension awards to immediate family members of a deceased trooper that was disabled in the course of duty"; to the Committee on Pensions and Retirement then Finance.

By Delegates Dean, Howell, C. Martin, Hamrick and Steele:

H. B. 4777 - "A Bill to amend and reenact §30-6-22A of the Code of West Virginia, 1931, as amended, relating to the right of disposition of remains"; to the Committee on the Judiciary.

By Delegates Dean, Miller, D. Kelly, Maynard, J. Jeffries, Paynter, Angelucci, Staggers, Jennings, Hanshaw (Mr. Speaker) and Lovejoy:

H. B. 4778 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-29, relating to creating the First Responders Mental Health Advisory Board; setting forth the board's responsibilities; requiring reports; and defining a term"; to the Committee on Fire Departments and Emergency Medical Services then Health and Human Resources.

By Delegates Dean, Howell, C. Martin, Hamrick, Paynter, J. Jeffries, Angelucci and Steele:

H. B. 4779 - "A Bill to amend and reenact §61-8-31 of the Code of West Virginia, 1931, as amended, relating to the criminal offense of therapeutic deception; and including medical doctors and doctors of osteopathy as medical professionals who are subject to the prohibition against therapeutic deception"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Bartlett, D. Jeffries, Fast, P. Martin, Dean, C. Martin, Porterfield, Waxman, Foster, Butler and Rodighiero:

H. B. 4780 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9a, relating to permitting a school-based decision-making council created pursuant to rules adopted by the State Board of Education to offer students in grade nine or above an elective social studies course on Hebrew Scriptures, Old Testament of the Bible, New Testament of the Bible or Hebrew Scriptures of the Bible; setting forth the purposes of the course; permitting students to use a translation of their choice; requiring the State Board of Education to include course standards in the program of studies for West Virginia schools, including the teacher qualifications and required professional development; and imposing requirements applicable to the course and the State Board of Education"; to the Committee on Education.

By Delegates Steele, Bartlett, Foster, Pack, Hanna and Kessinger:

H. B. 4781 - "A Bill to repeal §30-23-1, §30-23-2, §30-23-3, §30-23-4, §30-23-5, §30-23-6, §30-23-7, §30-23-8, §30-23-9, §30-23-10, §30-23-11, §30-23-12, §30-23-13, §30-23-14, §30-23-15, §30-23-16, §30-23-17, §30-23-18, §30-23-19, §30-23-20, §30-23-21, §30-23-22, §30-23-23, §30-23-24, §30-23-25, §30-23-26, §30-23-27, §30-23-28, §30-23-29 and §30-23-30 of the Code of West Virginia, 1931, as amended, all relating to repealing the article regulating the practice of radiologic technologists"; to the Committee on Health and Human Resources.

By Delegate Higginbotham:

H. B. 4782 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §51-12-1, §51-12-2, §51-12-3, §51-12-4, §51-12-5, §51-12-6, and §51-12-7,

all relating to enacting the Public Participation Protection Act; permitting litigants to file a special motion to dismiss a claim if the claim is in furtherance of the right of petition, free speech, or association under the United States Constitution or the West Virginia Constitution; permitting expedited hearings and appeals; permitting the recovery of attorneys' fees and costs and sanctions; making exceptions; providing for severability; and setting an effective date"; to the Committee on the Judiciary.

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

H. B. 4783 - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2020, to the Department of Education, State Board of Education – State Department of Education, fund 8712, fiscal year 2020, organization 0402, to the Department of Education, State Board of Education – Vocational Division, fund 8714, fiscal year 2020, organization 0402, and to the Department of Education, State Board of Education – Aid for Exceptional Children, fund 8715, fiscal year 2020, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020"; to the Committee on Finance.

By Delegates Hill and Pack:

H. B. 4784 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-5-37, relating to disposal of unused, unwanted or expired medications; and pharmacists' duties in the process"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Rowe:

H. B. 4785 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-15g, relating to requiring county boards of education to provide days prior to early voting during primary and general elections for registering eligible students to vote and being transported to vote"; to the Committee on Education then Finance.

By Delegate Rowe:

H. B. 4786 - "A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to changing the title of the Commissioner of Culture and History to the Curator of Arts, Culture, and History; and to increase the salary of the Curator to \$95,000"; to the Committee on Government Organization then Finance.

By Delegates Hansen, Lavender-Bowe, Campbell, Doyle, S. Brown, Walker, Pushkin and Estep-Burton:

H. B. 4787 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-11-22b, relating to allowing increased civil administrative penalties to be promulgated by legislative rules of by the Department of Environmental Protection, for individual or general construction stormwater, West Virginia Department of Environmental Protection National Pollutant Discharge Elimination System permits, and General Water Pollution Control Permits for larger acreage permits; providing for doubling penalties for projects of certain sizes; providing for projects at least 500 acres have larger penalties assessed for violations; providing for rulemaking; providing for additional penalties based on the number of violations; and providing for resolution of code conflict in favor of legislative rules promulgated according to this section"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegate Rodighiero:

H. B. 4788 - "A Bill to amend and reenact §18B-1B-4 of the Code of West Virginia, 1931, as amended, relating to requiring that no later than July 1, 2020, credits earned at two-year colleges or

community and technical college transfer for program credit at any other state institution of higher education”; to the Committee on Education.

By Delegates Worrell and Pushkin:

H. B. 4789 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-4F-1, §9-4F-2, §9-4F-3, §9-4F-4, §9-4F-5, §9-4F-6, §9-4F-7, §9-4F-8, §9-4F-9 and §9-4F-10, all relating to creating the Affordable Medicaid Buy-In Program; requiring the Department of Health and Human Resources to develop and administer the Affordable Medicaid Buy-In Plan; creating the Health Care Affordability And Access Improvement Fund; establishing an advisory council to the Affordable Medicaid Buy-In Program; requiring a study and reports be made; defining terms; setting limitations of employers; requiring rule-making; and appropriating funds to the Health Care Affordability and Access Improvement Fund and the Department of Health and Human Resources”; to the Committee on Banking and Insurance then Finance.

Special Calendar

Third Reading

H. B. 2527, Relating to forgery and other crimes concerning lottery tickets; 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. 125**), and there were—yeas 88, nays 9, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Fast, Fluharty, J. Jeffries, C. Martin, P. Martin, Porterfield, Pushkin, Queen and Toney.

Absent and Not Voting: Hardy, Jennings and Lavender-Bowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2527) 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. 4003, Relating to telehealth insurance 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. 126**), and there were—yeas 92, nays 5, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Bates, S. Brown, J. Kelly, McGeehan and C. Thompson.

Absent and Not Voting: Hardy, Jennings and Lavender-Bowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4003) 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. 4061, Health Benefit Plan Network Access and Adequacy Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 127**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Hardy, Jennings and Lavender-Bowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4061) 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. 4582, Declaring certain claims against agencies of the state to be moral obligations of the state; on third reading, coming up in regular order, was read a third time.

Delegate Byrd requested to be excused from voting on H. B. 4582 under the provisions of House Rule 49.

The Speaker replied that the Delegate would be directly impacted by the passage of the bill and excused the Gentleman from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 128**), and there were—yeas 96, nays none, excused 1, and absent and not voting 3, with the excused and absent and not voting being as follows:

Excused: Byrd.

Absent and Not Voting: Hardy, Jennings and Lavender-Bowe.

So, a majority of the members present and voting having voted in the affirmative, the bill (H. B. 4582) passed.

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

On this question, the yeas and nays were taken (**Roll No. 129**), and there were—yeas 96, nays none, excused 1, and absent and not voting 3, with the excused and absent and not voting being as follows:

Excused: Byrd.

Absent and Not Voting: Hardy, Jennings and Lavender-Bowe.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4582) 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. 4611, Relating to fireworks; on third reading, coming up in regular order, was read a third time.

Delegate Howell requested to be excused from voting on Com. Sub. for H. B. 4611 under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and directed the Member to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 130**), and there were—yeas 71, nays 26, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Angelucci, S. Brown, Canestraro, Caputo, Diserio, Doyle, Fleischauer, Fluharty, Graves, Hansen, Hicks, Hornbuckle, Longstreth, Lovejoy, Miller, Pushkin, Queen, Rohrbach, Rowe, Sypolt, C. Thompson, Tomblin, Walker, Westfall, Williams and Zukoff.

Absent and Not Voting: Hardy, Jennings and Lavender-Bowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4611) 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. 4618, Relating to deadly weapons for sale or hire; 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. 131**), and there were—yeas 93, nays 4, absent and not voting 3, with the nays and absent and not voting being as follows:

Nays: Fleischauer, Hansen, Rowe and Walker.

Absent and Not Voting: Hardy, Jennings and Lavender-Bowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4618) 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. 4661, Relating to the powers of the Public Service Commission and the regulation of natural gas utilities; 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. 132**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Hardy, Jennings and Lavender-Bowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4661) 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. 4691, Relating to employment in areas of critical need in public education; 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. 133**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Hardy, Jennings and Lavender-Bowe.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 4691) passed.

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

On this question, the yeas and nays were taken (**Roll No. 134**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Hardy, Jennings and Lavender-Bowe.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4691) 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.

Second Reading

Com. Sub. for S. B. 364, Authorizing Department of Transportation promulgate legislative rules; on second reading, coming up in regular order, was read a second time.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk and adopted, on page three, section one, line thirty-eight, after the word “authorized”, by striking out the period and inserting in lieu thereof the following: “with the following amendments:

On page 2, by striking out subsection 2.7 and renumbering the remaining subsections;

On page 5, subsection 4.4, after the words: “the application.”, by inserting the following: “When determining the time in which an application must be acted upon, if the final day to act falls on a federal or state holiday, the date to act upon the application shall be the next weekday that is not a federal or state holiday.”;

On page 5, subsection 4.5. by striking out the word “business”;

On page 5, subdivision 4.5.1. by striking out the word “business”;

On page 5, subdivision 4.5.2. by striking out the words “business days”;

And

On page 8, subsection 5.1. by striking out the word “business”.

The bill was then ordered to third reading.

Com. Sub. for H. B. 4069, West Virginia Student Religious Liberties Act; on second reading, coming up in regular order, was read a second time.

Delegate Pushkin moved to amend the bill on page two, section three, line three, following the word “work,” by striking out the period and inserting in lieu thereof a colon and the following proviso:

“Provided, That a student may express disagreement and offer opposing views regarding any issue based on religious beliefs, but may not be excused from answering a test question or other assignment correctly because the answer to that question that was provided in course content is counter to the religious beliefs of the student.”

Whereupon,

Delegate Pushkin asked and obtained unanimous consent that the amendment be reformed, as follows:

On page two, section three, line three, following the word “work”, by striking out the period and inserting in lieu thereof a colon and the following proviso:

“Provided, That a student may express disagreement and offer opposing views regarding any issue based on religious beliefs, but may not be awarded class credit for answering an assignment or test question if it conflicts with course content, whether or not the course content is factual, or if it is consistent with the student’s religious beliefs.”

In the absence of objection, the bill was advanced to third reading with the reformed amendment pending, and the rule was suspended to permit the offering and consideration of such on 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 S. B. 35, Limiting civil penalty for littering conviction to \$2,000,

Com. Sub. for S. B. 449, Authorizing Department of Commerce promulgate legislative rules,

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

H. B. 4455, Permitting fees from the Central Abuse Registry to be used for costs relating to information technology support and infrastructure,

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

Com. Sub. for H. B. 4544, Relating to possession of any controlled substance on the premises of or within 200 feet of a public library,

H. B. 4551, Relating to subsidized adoption,

Com. Sub. for H. B. 4576, Establishing a procedure for correcting errors in deeds, deeds of trust and mortgages,

And,

H. B. 4647, Relating to limited video lottery permit holders.

Leaves of Absence

At the request of Delegate Summers, and by unanimous consent, leaves of absence for the day were granted Delegates Hardy, Jennings and Lavender-Bowe.

Miscellaneous Business

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

- Delegate Maynard regarding the death of Raamie Barker
- Delegate Barrett during Remarks by Members

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

- Delegates Bartlett, Graves, Linville, Maynard, Pethtel, Queen, Sypolt and Zukoff for H. B. 4737
- Delegate Pushkin for H. B. 4752
- Delegate Kump for H. B. 4762 and H. B. 4763
- Delegate Pyles for H. B. 4719, H. B. 4731, H. B. 4738, H. B. 4743, H. B. 4750, H. B. 4753, H. B. 4754 and H. B. 4759
- Delegate Rohrbach for H. B. 4494

At 12:32 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, February 11, 2020.

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

SPECIAL CALENDAR

Tuesday, February 11, 2020

35th Day

11:00 A.M.

THIRD READING

- Com. Sub. for S. B. 364 - Authorizing Department of Transportation promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- Com. Sub. for H. B. 4069 - West Virginia Student Religious Liberties Act (AMENDMENT PENDING) (ELLINGTON) (REGULAR)

SECOND READING

- Com. Sub. for S. B. 35 - Limiting civil penalty for littering conviction to \$2,000 (SHOTT) (REGULAR)
- Com. Sub. for S. B. 449 - Authorizing Department of Commerce promulgate legislative rules (SHOTT) (EFFECTIVE FROM PASSAGE)
- H. B. 4178 - Requiring calls which are recorded be maintained for a period of five years (SHOTT) (REGULAR)
- H. B. 4455 - Permitting fees from the Central Abuse Registry to be used for costs relating to information technology support and infrastructure (HOUSEHOLDER) (REGULAR)
- Com. Sub. for H. B. 4478 - Creating a lifetime ban for commercial drivers involved in human trafficking (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4544 - Relating to possession of any controlled substance on the premises of or within 200 feet of a public library (SHOTT) (REGULAR)
- H. B. 4551 - Relating to subsidized adoption (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING) (HILL) (REGULAR)
- Com. Sub. for H. B. 4576 - Establishing a procedure for correcting errors in deeds, deeds of trust and mortgages (SHOTT) (REGULAR)
- H. B. 4647 - Relating to limited video lottery permit holders (SHOTT) (REGULAR)

FIRST READING

- Com. Sub. for S. B. 16 - Creating Protect Our Right to Unite Act (SHOTT) (REGULAR)
- Com. Sub. for S. B. 560 - Permitting nursing home use trained individuals administer medication (HEALTH AND HUMAN RESOURCES COMMITTEE AMENDMENT PENDING) (HILL) (REGULAR)

- Com. Sub. for H. B. 4088 - Disposition of funds from certain oil and natural gas wells due to unknown or unlocatable interest owners (ANDERSON) (REGULAR)
- H. B. 4113 - Relating to motor fuel excise taxes (FINANCE COMMITTEE TITLE AMENDMENT PENDING) (HOUSEHOLDER) (JULY 1, 2020)
- Com. Sub. for H. B. 4158 - Allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption (SHOTT) (REGULAR)
- Com. Sub. for H. B. 4398 - Relating to required courses of instruction (ELLINGTON) (REGULAR)
- H. B. 4437 - Relating to the West Virginia Pay Card program (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4615 - West Virginia Critical Infrastructure Protection Act (SHOTT) (REGULAR)
- H. B. 4655 - Permitting military personnel in areas where on-the-job emergency medicine is part of the training to be granted automatic EMS or EMT certification (HOWELL) (REGULAR)
- Com. Sub. for H. B. 4706 - Relating to reports concerning funds due to unknown or unlocatable interest owners (ANDERSON) (REGULAR)
- H. B. 4790 - Relating to Career Technical Education for middle school students (ELLINGTON) (REGULAR)

HOUSE CALENDAR

Tuesday, February 11, 2020

35th Day

11:00 A. M.

UNFINISHED BUSINESS

H. R. 3 - Amending the Rules of the House of Delegates, relating to remarks by members

THIRD READING

- Com. Sub. for S. B. 46 - Defining “pepper spray” and exempting from definition of “deadly weapons” (SHOTT) (REGULAR)
- Com. Sub. for S. B. 470 - Relating to use of crossbow to hunt (ATKINSON) (REGULAR)
- Com. Sub. for S. B. 487 - Providing exception that all DNR payments be deposited within 24 hours (ATKINSON) (REGULAR)
- Com. Sub. for S. B. 500 - Relating to Class Y special crossbow hunting permit (ATKINSON) (REGULAR)
- Com. Sub. for S. B. 501 - Adding protection, operation of North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail to Parks and Recreation Section of DNR (ATKINSON) (REGULAR)
- Com. Sub. for H. B. 4001 - Creating West Virginia Impact Fund (HOUSEHOLDER) (EFFECTIVE FROM PASSAGE) AMENDMENT PENDING BY DELEGATES HOUSEHOLDER AND BATES) [RIGHT TO AMEND]
- Com. Sub. for H. B. 4096 - Requiring candidates to live in the state or local election district for the office for which they are seeking (SHOTT) (REGULAR)

SECOND READING

- S. B. 321 - Relating to collection of tax and priority of distribution of estate or property in receivership (SHOTT) (REGULAR)
- Com. Sub. for S. B. 532 - Distributing assets remaining in municipal policemen’s or firemen’s pension and relief fund on death of last retiree or beneficiary (PENSIONS AND RETIREMENT COMMITTEE AMENDMENT PENDING) (GRAVES) (REGULAR)

- H. J. R. 102 - Providing the West Virginia Legislature rulemaking oversight of the board of education (SHOTT)
- Com. Sub. for H. B. 4059 - Increasing access to long acting reversible contraception (HILL) (REGULAR)
- Com. Sub. for H. B. 4198 - Permitting a person to obtain a 12-month supply of contraceptive drugs (HILL) (REGULAR)
- H. B. 4524 - Making the entire state “wet” or permitting the sale of alcoholic liquors for off-premises consumption (SHOTT) (REGULAR)

FIRST READING

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

**WEST VIRGINIA
HOUSE OF DELEGATES**

TUESDAY, FEBRUARY 11, 2020

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON EDUCATION
8:30 A.M. – ROOM 432 M**

**COMMITTEE ON THE JUDICIARY
9:00 A.M. – ROOM 410 M**

**COMMITTEE ON FINANCE
9:00 A.M. – ROOM 460 M**

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

**PENSIONS AND RETIREMENT
2:00 P.M. – ROOM 460 M**

**COMMITTEE ON ENERGY
4:00 P.M. – ROOM 410 M**

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